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The Sanctions of Justice

**A Comparative Study of the Lived Experiences of Female
Sex Workers in Scotland and New Zealand**

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MA (Social Sciences) (Hons), MRes

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of PhD**

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Abstract

Female sex workers have become marked as women in transgression, viewed as bad or fallen, depending on the discourse applied to the wider institution of prostitution. Bad women, if motivated to sell sexual services by self-interest, and fallen women, if prey to malicious male violence and abuse. Be they agents or victims, the construction of female sex workers in the public imagination is enmeshed with historical, political and social anxiety related to women's transgression from appropriate norms of femininity, sexuality and good citizenship. Female sex workers are distinguished from "virtuous women" by the associated stigma of being a "whore". Furthermore, political functions of the whore stigma serve to render female sex workers as "othered" and thus, they face oppression globally, yet disavow governance responsibilities for the injustices they face. In the advanced capitalist society, a whole range of liberties can be seen to be rendered as incompatible with female legitimacy.

This thesis examines how the historical, social and political meanings attached to prostitution/sex work affect the practices of governance in this area, inquiring into their implications for sex work policy, and their effects on sex working women's lives in the comparative legal settings of Scotland and New Zealand. The overarching research aim driving this thesis is: to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice. This thesis adopts a participatory feminist methodological approach that centers women's voices and experiences in addressing the research aims, in the endeavor to engage with social justice as both a task and a process.

Tasked with the desire to facilitate subjective accounts of women's experiences, an overall qualitative approach to collating and analysing data was taken, with in-depth narrative style interviews and ethnographic-informed fieldwork observations being utilised to seek women's own understandings of their lived experiences. To gain additional context to these experiences, semi-structured interviews were also conducted with key informants, identified as being people whose everyday work involved a translation of policy to practice and an operationalisation in some sense of the laws and policies on sex work in each context. Fieldwork took place over a twelve-month period between the comparative contexts of New Zealand (mainly Wellington and Auckland) and Scotland

(mainly Edinburgh and Glasgow). No fixed geographical boundaries were put in place in the research in acknowledgement of the transient and often mobile nature of women's work in the sex industry. Sampling strategies were tailored to each research context, with the intention to reach women who were involved or in contact with local services and collectives and also women who were not in contact with such possible gatekeeping organisations. Thus, a sampling through gatekeepers alongside a snowball sampling technique arose in both contexts, with the later proving more effective in Scotland where a quasi-criminalised legal framework was found to make female sex workers work in more hidden and clandestine ways.

Over the five months spent in New Zealand, thirteen interviews with sex workers were conducted (with four repeated during follow up interviews), two interviews with managers and three interviews with those involved in the provision of service to sex workers. Additionally, over 150 hours of observation was collected in field notes, which ranged from time spent in the base of the New Zealand Prostitutes Collective (NZPC), time spent accompanying NZPC workers to outreach, collecting litter, such as used prevention commodities and their packaging, from the street, meeting with other agencies and organisations, and spending time in a sex working premise with sex workers and management. In Scotland, twelve sex workers were interviewed, of which three were interviewed for a second time. Six sex workers were approached through the national Charity, SCOT-PEP, and three were approached through the social media advertisement of other sex workers who were involved in the formation of Umbrella Lane. Three sex working women were recruited through charity outreach to a sex working premise, and around 150 hours of ethnographic- informed observational field notes were recorded from online forums, during face-to-face sex worker meetings, in organizing spaces, and in a sex work premise.

The material effects of the comparative laws and policies on sex work on women's lived experiences in Scotland and New Zealand were explored through thematic analysis of the data collated. Emergent themes of agency, risk, engagement, stigma and violence allowed for these experiences to form the basis of a critical analysis of structural forces at play. This impacted on women's entry into sex work, occupational health and safety, sex workers engagement with health and other support services, experiences of stigma, and recourse to justice in

cases of violence. Whilst the legal frameworks were not the only structural factor at play, decriminalization was experienced to enhance women's agency and autonomy in their choosing of how to do sex work, with a prioritisation of their safety being supported by occupational health and safety (OHS) frameworks in place. These OHS frameworks also enabled the New Zealand based participants to minimize perceived risks to their safety, and further provisions in the Prostitution Reform Act allowed sex workers to access justice in cases where their rights were violated concretely through exploitation, abuse or violence, and more subtly in their development of resilience and resistance to stigma. Furthermore, women in New Zealand felt empowered to access essential support services extending beyond basic harm reduction services. In Scotland, under a somewhat paradoxical setting whereby the legal framework criminalises the way sex workers work, alongside a policy context that pivots on an understanding of prostitution as commercial sexual exploitation, women experienced less agency than their New Zealand counterparts in choosing how and where to work, increasing their risk to exploitative working conditions and violence, as their prioritisation of avoiding state attention and criminalisation was experienced to override their safety concerns and yet felt comparatively more stigmatised and marginalised from services, including health, social and justice based service provision.

By reading empirical research with comparative policy, law and theory, this thesis contributes to the development of an 'agenda for change' for sex workers (McGarry and Fitzgerald, 2018). Such an agenda promotes a paradigm shift in rethinking the relationship between knowledge, discourse, and legal and policy governance, to explore women's lived experiences in relation to social justice. By making visible the injustices enacted and perpetuated towards women, in this study, and assessing the role of the legal and policy frameworks in supporting, subverting or interrupting injustice and oppression of female sex workers, a politics of justice is envisaged in conclusions that make pertinent three points. Firstly, the urgent need for engagement with the New Zealand Model of decriminalisation of sex work as a task of promoting a politics of recognition to enable female sex workers the institutional rights necessary to minimise their occupational health and safety risks and enhance their access to formal justice in cases of exploitation, abuse and violence. Secondly, the required task for the development of a politics of redistribution in both comparative contexts that

renders visible the structural injustices faced by female sex workers by prioritising the facilitation of sex working women's voices and experiences, in such justice claims, to avoid misrepresentation and misframing of these economic injustice concerns, which appear to dominate current redistribution justice understandings in the Scottish context. And finally, a renewed commitment of status equality to sex working women in policy frameworks that allows for social justice concerns. The exploration of women's economic, political and social vulnerability to influence discourse, and subsequent policy objectives that are not causing further harm, marginalisation and exclusion of sex workers from vital support services and legal recourse to justice as further evidenced in the Scottish context.

Table of Contents

ABSTRACT	2
TABLE OF CONTENTS	6
ACKNOWLEDGEMENTS	10
AUTHOR'S DECLARATION	12
CHAPTER ONE - INTRODUCTION	13
THE COMPARATIVE LEGAL FRAMEWORKS OF SCOTLAND AND NEW ZEALAND	15
THIS STUDY	18
RESEARCHER POSITION	18
PARTICIPATORY ACTION IN PRACTICE	21
PUBLIC ANXIETIES & SOCIAL INJUSTICE	24
THESIS STRUCTURE	29
CHAPTER TWO - LITERATURE REVIEW PART I THEORISING SEX WORK, STIGMA & OPPRESSION	31
INTRODUCTION	31
HISTORICAL ANALYSIS FROM TEMPLE GODDESSES TO DEVIANT WHORES TO FALLEN WOMEN	31
LABELLING AND THE POLITICAL CURRENCY OF TERMINOLOGY	35
THE PROSTITUTE	35
THE PROSTITUTED WOMAN	36
THE SEX WORKER	36
THEORISING SEX WORK	38
PROSTITUTION AS THE ULTIMATE WOMEN'S OPPRESSION	39
CRITIQUES & ALTERNATIVE THEORISING	42
RECLAIMING THE NARRATIVE SEX WORKERS' RIGHTS MOVEMENT	45
STIGMA & THE LASTING EFFECTS ON OPPRESSION	48
EXPLOITATION	50
MARGINALISATION	52
POWERLESSNESS	53
CULTURAL IMPERIALISM	55
VIOLENCE	56
CONCLUSIONS	58
CHAPTER THREE - LITERATURE REVIEW PART II SEX WORK LAWS, POLICIES & SOCIAL JUSTICE	59
INTRODUCTION	59
REGULATING SEX WORK & THE GOVERNANCE OF COMMERCIAL SEX	59
CRIMINALISATION	61
LEGALISATION FOR REGULATION	69

DECRIMINALISATION TO SAFEGUARD	71
NEW ZEALAND AND SCOTLAND CONTEXTUALISING THE COMPARISON	72
THE ROAD TO DECRIMINALISATION IN NEW ZEALAND	72
THE CURRENT LEGAL FRAMEWORK PROSTITUTION REFORM ACT (2003)	74
CHARTING THE MOVES OF POLICY AND LEGISLATION IN SCOTLAND	77
SCOTTISH POLICY & RECENT COMMITMENTS	80
RAIDS & LICENSING	82
POLARISED CAMPAIGNS AND PARLIAMENTARY CONSULTATIONS	83
A HOLISTIC MODEL OF SOCIAL JUSTICE AS A FRAMEWORK FOR ANALYSIS	85
CONCLUSIONS	91

CHAPTER FOUR | METHODOLOGY **92**

INTRODUCTION & SITUATING THE METHODOLOGY	92
PART ONE THE MACRO METHODOLOGICAL APPROACH	94
PHILOSOPHICAL CONSIDERATIONS AND THEORETICAL UNDERPINNINGS	94
CRITICAL FEMINIST STANDPOINT APPROACH	95
RESEARCHER'S PERSONAL STANDPOINT	97
METHODOLOGICAL APPROACH	99
PART TWO RESEARCH STRATEGY AND METHODS	103
PHASE ONE: FRAMING THE COMPARATIVE SITES AND STRUCTURES OF FIELDWORK	103
SELECTING A SUITABLE COMPARATIVE CONTEXT	103
LOCATING THE FIELD	104
SELECTING KEY INFORMANTS	104
PHASE TWO: EXPLORING LIVED REALITIES	105
NEGOTIATING ACCESS TO PARTICIPANTS	105
NEW ZEALAND	106
TIME TO REFLECT	110
SCOTLAND	110
IN-DEPTH NARRATIVE INTERVIEWING	114
ETHNOGRAPHIC-INFORMED FIELDWORK OBSERVATIONS	118
ETHICAL CONSIDERATIONS AND ETHICS IN PRACTICE	119
OBTAINING INFORMED CONSENT AND ENSURING PRIVACY	121
CASH "KOHA"	122
THE ETHICS OF BUILDING FRIENDSHIPS	122
PHASE THREE: DATA ANALYSIS, COMPARISONS, AND PRESENTATION OF THE FINDINGS	123
THEORETICAL THEMATIC ANALYSIS	123
FAMILIARISATION WITH THE DATA	125
CODING THE NEW ZEALAND DATA	126
COMPARISON METHOD	127
DEFINING THEMES AND CONSTRUCTING CHAPTERS	128
CONCLUSIONS	129

CHAPTER FIVE - THE WOMEN | AGENCY & STRUCTURE IN CHOOSING SEX WORK **131**

CONCEPTUALISING AGENCY	133
CRITICAL EVENTS DURING THE TRANSITION FROM CHILDHOOD TO ADULTHOOD	134
SURVIVAL THROUGH SEXWORK	134
SUBSTANCE USE/ADDICTION AS MOTIVATIONS TO BEGIN AND CONTINUE IN SEX WORK	142
DISCUSSION	144

ECONOMIC NEED OR DESIRE	145
MOTHERHOOD AND DESIRE TO GIVE CHILDREN A BETTER LIFE	145
FINANCIAL NEED AND/OR DESIRE RELATED TO RAISING CHILDREN	147
STUDENT SEX WORKERS	153
DISCUSSION	157
SEX WORK VIEWED AS 'ALTERNATIVE' WORK	158
DISCUSSION & CONCLUSIONS	161
 <u>CHAPTER SIX - MANAGING OCCUPATIONAL HEALTH & SAFETY IN THE COMPARATIVE LEGAL FRAMEWORKS</u>	 164
CONCEPTUALISING RISK	165
MANAGING RISK BEFORE STARTING SEX WORK	167
BALANCING THE LAWS WITH THE PROSPECTIVE WORKPLACE	173
MANAGING RISK AND ENHANCING SAFETY ON THE STREET	179
HEALTH RISK MINIMISATION IN OCCUPATIONAL HEALTH AND SAFETY STRUCTURES	184
DISCUSSION & CONCLUSIONS	194
 <u>CHAPTER SEVEN - SEX WORKER'S EXPERIENCES AT THE INTERFACE OF POLICY-DRIVEN SUPPORT SERVICES</u>	 197
POLICY POLITICS & MATERIAL EFFECTS	197
PROBLEMATISING PROSTITUTION IN SCOTLAND AND NEW ZEALAND	199
FROM POLICY PROBLEM TO STATE SOLUTIONS	201
ENGAGING WITH HEALTH SERVICES IN SCOTLAND	202
ENGAGING WITH HEALTH SERVICES IN NEW ZEALAND	210
CONTINUED STIGMA BEYOND NZPC SUPPORT SERVICES	213
THE SPECIFIC EFFECTS OF SCOTTISH LEGAL FRAMEWORKS	217
DISCUSSION & CONCLUSIONS	222
 <u>CHAPTER EIGHT - LIVING THE "WHORE STIGMA" AND THE IMPUNITY OF VIOLENCE</u>	 225
THE POWER OF STIGMA	225
'BEING OUTED' OR CHOOSING DISCLOSURE	226
MANAGING STIGMA THROUGH KEEPING SEX WORK A 'SECRET'	229
STIGMA, VIOLENCE AND ACCESSING JUSTICE	237
VIOLENCE BY MANAGERS AND RECOURSE TO JUSTICE.	238
VIOLENCE BY THOSE POSING AS CLIENTS	243
DISCUSSION & CONCLUSIONS	252
 <u>CHAPTER NINE - CONCLUSIONS & DISCUSSION THE SANCTIONS OF JUSTICE FOR FEMALE SEX WORKERS' IN SCOTLAND AND NEW ZEALAND</u>	 256
INTRODUCTION	256
THE MATERIAL EFFECTS OF LAWS AND POLICY FRAMEWORKS	258
(IN)JUSTICE REFLECTIONS IN WOMEN'S LIVED EXPERIENCES OF CHOOSING SEX WORK	258
(IN)JUSTICE REFLECTIONS IN RELATION TO OCCUPATIONAL HEALTH & SAFETY	259
(IN)JUSTICE REFLECTIONS ON SEX WORKER'S EXPERIENCES AT THE INTERFACE OF POLICY-DRIVEN SUPPORT	

SERVICES	260
(IN)JUSTICE REFLECTIONS IN RELATION TO STIGMA AND VIOLENCE	263
THE POLITICAL STAKES OF SOCIAL JUSTICE FOR WOMEN	264
THE COMPARATIVE SANCTIONS OF JUSTICE FOR SEX WORKERS	269

<u>BIBLIOGRAPHY</u>	<u>273</u>
----------------------------	-------------------

<u>APPENDICES</u>	<u>306</u>
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APPENDIX ONE: SCOTTISH LEGISLATION PERTAINING TO PROSTITUTION	306
APPENDIX TWO: INTERVIEW SCHEDULE FOR INTERVIEWS WITH KEY INFORMANTS	309
APPENDIX THREE: DEMOGRAPHIC DETAILS OF RESEARCH PARTICIPANTS	310
APPENDIX FOUR: INTERVIEW GUIDE FOR SEX WORKERS	318
APPENDIX FIVE: INFORMATION SHEET GATEKEEPERS	319
DR SUSAN DEELEY DEPARTMENT OF URBAN STUDIES 25 BUTE GARDENS	319
APPENDIX SIX: INFORMATION SHEET KEY INFORMANTS	321
DR SUSAN DEELEY DEPARTMENT OF URBAN STUDIES 25 BUTE GARDENS	322
APPENDIX SEVEN: INFORMATION SHEET SEX WORKERS	323
DR SUSAN DEELEY DEPARTMENT OF URBAN STUDIES 25 BUTE GARDENS	324
APPENDIX EIGHT: CONSENT FORM FOR ALL RESEARCH PARTICIPANTS	325
APPENDIX NINE: THEMATIC FRAMEWORK	326
APPENDIX TEN: PRIMARY CODES USED IN QUALITATIVE ANALYSIS OF IN-DEPTH INTERVIEWS	328

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“Somewhere beyond ideas of right-doing and wrong-doing, there is a field. I will meet you there” Rumi

Author's declaration

"I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution."

Printed Name: Anastacia Elle Ryan_____Signature: _____

Chapter One - Introduction

'Sex workers bear the heaviest weight of countless years of suppressed sexuality throughout society, of being told the parameters of how and why we can have sex. We have for millennia been on the receiving end of cultures' deepest misogyny. It does not inspire or inform that sex work is the oldest profession. It was the first thing women were allowed to do for money. It was the only thing'

(Kate McGrew, cited in Fitzgerald and McGarry, eds, 2018)

Female purity and worthiness have long pivoted on prescribed views of gender and sexuality. Set up throughout western imaginative discourse, from biblical accounts of prominent female figures, through nineteenth century literature, to current popular fiction, the story or trope of the fallen woman has pervaded the public imaginary for decades (Ditmore, 2006). The trajectory from angel to fallen woman appears to descend to the latter through sexual deviance, with an act of prostitution rendering a woman most morally corrupt and unredeemable (Ibid). The female sex worker, by offering sexual relations outside the socially and morally "acceptable" parameters of marriage and/or love, has actively become the site of "otherness", where her body is mapped, marked and defined by her work (Bell, 1994; Bullough & Bullough, 1987). As Bell (1994) describes, the female sex worker has become a marginalised, social-sexual identity, her body and her sexual value becoming her identity and her entity. Some have gone as far as to state that no other profession has led to such a negative conflation of identity with entity as much as prostitution (Jordan, 2005; O'Connell Davidson, 1998). Whilst historical analysis of the regulation of prostitution illustrates that the perception, interpretation and attitude towards sex work and sex workers have varied appreciably over time and between cultures, the surveillance of the female sex worker, in some way or another, has remained constant (Ringdal, 2004; Bullough & Bullough, 1987). This surveillance has been associated with dominant public anxieties, prevalent at certain times, including fears about social dislocation, threats to the moral order, and gender norms and public anxieties around female deviancy and female sexuality (Caslin, in Hardy et al., 2010). As long as the phenomenon of prostitution has knowingly existed in the world, female sex workers have been scrutinised, vilified and demonized. Transgressing demarcation lines by selling something traditionally cast to the private realm in

the public arena, female sex workers have come to be seen as a threat to morality, and associated gender roles and responses to prostitution/sex work evidently reflect deeply felt anxieties about women trespassing the dangerous boundaries between the private and public (McClintock, 1992: 73). Given prostitution is often cited as “the world’s oldest profession”, whether or not this informs or inspires as refuted in the opening quote, it signifies that women who sell their sexual services in this way today unabatedly face an extremely long legacy of “whore stigma” (Pheterson, 1996).

Despite the overwhelming evidence of stigma, oppression and surveillance of female sex workers however, feminism and prostitution have not thus far been easily reconcilable (Jesson, 1993). Caught between “the tiger and the crocodile”, most female sex workers globally now not only work under regulatory frameworks that criminalise them and their relationships of care, including motherhood, but further, are advocating for their rights on the periphery of the women’s movement, excluded from the strong platform feminism has given women fighting other forms of oppression. Over forty years have passed since the “birth of the prostitutes’ rights movement in Europe” (McNeill, 2012), when over one hundred female sex workers occupied the Church of St. Nizier in Lyon to demand their rights, hanging up banners that stated, “OUR CHILDREN DO NOT WANT THEIR MOTHERS IN PRISON!”. Even at this time, the injustice of the state response to female prostitutes who protested – threats to remove their children from their care – was recognised by “ordinary” (non-sex working) women in Lyon, who joined the sex workers in occupying the church in protest at such a brutal suppression of a peaceful protest (Ibid). This show of solidarity between women and women working as prostitutes however, now seems challenged by a legacy of political discourse that has served to undermine and polarise sex workers’ rights from mainstream advocacy for gender equality and women’s rights.

It would be simplistic however, to identify polarised feminist interpretations of prostitution as: on the one hand, an institution that both embodies and perpetuates women’s patriarchal oppression and male supremacy; juxtaposed with the interpretation of sex work as a legitimate form of labour, and women as

autonomous individuals who have the absolute right to choose how they use their body. The extreme of the latter interpretation being that women are in fact empowering themselves and others by selling sex, an act that has long been associated with male privilege and female submission, and thus capitalizing on patriarchal norms of sexuality by commodifying sex under capitalist structures. These positions on sex work have been fluid, interrupted and adapted over the course of time, suffering political focus and societal shifts, including for example: globalisation, the discourse of trafficking, and the changing patterns and norms of work both in the private and public spheres, by people of all genders.

Whilst this thesis aims to contribute to the deconstruction of this binary thinking on sex work from a feminist perspective, it is necessary, in understanding and exploring contemporary sex work governance and its impact on achieving social justice for sex workers, to reflect more involvedly on the influences and origins of current feminist discourse, which is therefore taken on in the review of the literature in the first three chapters. This is because researching sex work from a feminist social justice perspective requires confrontation of what Fraser (2012) called a ‘politics of representation’, investigating ‘what’ is said, ‘who’ has the power and conviction to say it, and ‘how’ it becomes knowledge (Cited in McGarry and FitzGerald, 2016). This line of inquiry is threaded throughout this thesis, giving rise to the critical feminist lens of review, analysis and investigation, aiming to present a reflexive study on the lives of female sex workers, and the ways they experience the governance of sex work in the comparative legal frameworks in their country, but further in the structures and processes that are created by these frameworks.

The Comparative Legal Frameworks of Scotland and New Zealand

The regulation of sex work from a legal and policy perspective has long been a point of contention and debate globally, with Scotland, much like the rest of the UK, is no exception. Whilst the very subject of sex work attracts a range of advocacy gazes, feminists have been most vocal in condemning the current legal framework for its attention to and criminalisation of those who sell sex. In Scotland, responses to recent consultations on either the criminalisation of the purchase of sex, as proposed by MSP Rhoda Grant in the proposed

Criminalisation of the Purchase of Sex (Scotland) Bill 2012, and proposals for decriminalisation, as proposed by former MSP Jean Urquhart in the Prostitution Law Reform (Scotland) Bill 2015, have highlighted broad support for the removal of criminal sanctions against those who sell sexual services. One of the most common reasons for this support was that attempts to move on from prostitution were hampered by involvement with the criminal justice system, with non-payment of fines potentially increasing rates of imprisonment for women, as evidenced by Sanders (2007). As far back as 2004, the Scottish Executive Expert Group Report on Prostitution in Scotland concluded that the current legislation (at that time) was unfair and unequal towards women selling sexual services and recommended the repeal of soliciting and loitering offences. In reviewing its approach to prostitution following the Expert Group Report however, the Scottish Government did not follow their recommendation, and instead prioritised tackling the public nuisance associated with prostitution for affected communities.

Whilst the number of prosecutions of people selling sex appears to have markedly decreased, the number of prosecutions is still higher than it is for those involved in the purchase of sex. Whilst commitments to the protection of women involved in prostitution, framed as victims of commercial sexual exploitation, are made in recent policy (Scottish Government, 2009, 2014), the translation of these policy commitments to practice thus far remains heavily focused on the management of street prostitution via emphasis on exiting, implemented through anti-social behaviour legislation mechanisms, and the prevention of commercial sexual exploitation through wider efforts to combat violence against women and girls. Carline and Scoular's (2015) analysis of the Engagement and Support Orders introduced in England and Wales highlight the underpinning problems of the 'enforcement plus support' model that is emblematic of the current Scottish legal and policy approach.

Sanders (2009) also challenges the paradox of this conditional approach to supporting those involved in prostitution, a practice she refers to as 'public patriarchy'. The obvious tensions with the Scottish prostitution policy and legal situation have spurred much debate in recent years and raised calls to engage with other models of governance that would redress the burden of criminal blame currently still perpetuated towards those who sell sex. Increasing attention has been focused upon the demand for prostitution, both in the UK and internationally

(Harcourt and Donovan, 2004; Brooks et al., 2014), and as such, recent comparative reviews of evidence have been commissioned by the Scottish Government with other models of legislation. Thus far however, the focus has been on engagement with the Nordic Model (Scottish Government, 2017), whereby the purchase of sex is criminalised. To date, there has been no comparative study developed between Scotland and New Zealand and their frameworks of governing sex work.

In passing the Prostitution Reform Act in 2003, the New Zealand Government effectively decriminalised all forms of adult sex work, which was heralded as a public health measure that was also vital in ensuring the human rights of sex workers. Scambler and Scambler (1997: 185) assert that decriminalization removes: ‘the anomaly of a gender-biased body of legislation exclusive to a particular area of work and prepare[s] the ground for de- marginalizing women sex workers and restoring basic citizenship and other rights to them’. Existing findings appear to support this assertion, evidencing broad positive impacts of the legal reform for sex workers in all sectors of the industry (Armstrong, 2012; 2014; 2016; Abel et al., 2007; Mossman & Mayhew, 2008; PLRC 2008). Despite mounting evidence of the positive changes for sex workers that decriminalisation has brought about, New Zealand’s experience of decriminalization is often seen as irrelevant within the international context and despite few efforts to engage, most evidently in the 2013 court case in Ontario which saw a successful challenge to Canada’s laws on prostitution (Bennett, 2013), there have been few serious attempts to consider the New Zealand experience of decriminalisation as lessons to draw from in sex work law reform (Abel, 2014). Reasons given for this lack of serious engagement are the small population in New Zealand and the existence of fewer border crossing, unlike across Europe (Ibid.). Sex workers’ rights groups in Scotland have, on the other hand, in very recent and current times, campaigned to put New Zealand’s model of decriminalisation on the policy agenda, culminating in the recent Prostitution Reform (Scotland) Bill consultation in 2015. Being a country with a similar population size, and amidst Brexit negotiations, which will inevitably bring new and increased current barriers to European migration to Scotland and the rest of the UK, the possibilities of engaging with the New Zealand Model of decriminalisation of sex work are becoming more feasible.

This Study

This thesis examines how the historical, social and political meanings attached to sex work affect the practices of governance in this area, inquiring into their implications for sex work policy and their effects on sex working women's lives in the comparative legal settings of Scotland and New Zealand. The overarching research aim driving this thesis is: to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice. This thesis adopts a participatory feminist methodological approach that centers women's voices and experiences in addressing the research aims, in the endeavor to engage with social justice as both a task and a process. The research aims are:

1. To explore the lived experiences of female sex workers in Scotland and New Zealand;
2. To critically examine the legal and policy frameworks operated in Scotland and New Zealand on sex work;
3. To compare how, and to what extent, sex work laws, policies and frameworks, in Scotland and New Zealand, support, interrupt or subvert injustice and oppression of female sex workers.

Over a one-year period, immersion into the lifeworlds of a group of female sex workers in Scotland and New Zealand took place through participatory action-informed research methods, which were used to explore the politics of everyday life experiences through women's narratives, and through their inclusion as participants, rather than merely subjects in the research (O'Neill, 2001). These experiences were read through a theoretical framework that centralized injustice and oppression, and analysed comparatively according to a holistic theory of social justice. Together, the theoretical and analytical frames allowed for a comparative to be developed between the effects of the legal and policy frameworks in Scotland and New Zealand in structuring women's experiences of oppression, and supporting or hindering their struggles for justice through their claims for rights, redistribution, recognition, respect and inclusion.

Researcher Position

As a supporter of the rights of all women, including women who do sex work, I consider myself to be a feminist. From this position, I did not intend to give a

better or worse comparative analysis of the legal frameworks currently in place in Scotland and New Zealand. This would be counterintuitive and misguided because as a supporter of women's rights, I unequivocally oppose all forms of criminalization of female sex workers. The legal framework in Scotland, as it currently stands, undoubtedly creates and exercises a double burden of blame and responsibility on women. Few feminists would argue that the current legal framework in Scotland supports women in, or moving on from, sex work. Yet the recent debates over the most effective and just way to govern and regulate sex work has brought passionate arguments to the fore that give the illusion of two polarized camps. In this process of heated debate and often emotional pleading to the Scottish Government to change the legal framework in one way or another, female sex workers remain underserved by the current policy and legal response.

Routinely arrested and charged for soliciting, brothel-keeping, living on the earnings, continuing to face stigma and social isolation, and remaining easy targets for violent predators who think they can commit crimes against sex workers with impunity, sex work in Scotland is by far a profession for women that presents personal and political difficulties. Moreover, research has highlighted that 93% of sex workers in the UK believe that current legislation is insufficient for safeguarding sex workers (HAC, 2016). Safety is of primary concern to the community, with 49% of sex workers stating their worry and concern over their personal safety (Ibid), with the UK Government recently agreeing by stating that any policy reform would likely reduce harm compared to the current system of governance (Ibid.)

Whilst debates on the governance of sex work in Scotland have recently come to the fore, there is currently no clear solidarity ensuing amongst feminists or politicians on the most appropriate model of regulation to ensure the protection of women both within and beyond the sex industry. The comparable framework model of interest is heavily focused on the Nordic Model of criminalising the purchase of sex. Despite attempts by sex worker activists and other sex workers' rights supporters, including a broad range of academics, to establish the importance of engaging with the New Zealand Model, there has been no comparative research done to date that compares the experiences of sex workers in Scotland, working under the quasi-criminalisation model, with the experiences

of sex workers working under the New Zealand Model, set up with the passing of the Prostitution Reform Act (PRA) (2003) that decriminalised adult sex work.

My intention in laying clear my own perspective on the current governance of sex work in Scotland is to firmly commit myself as a researcher to the principles that underpin this thesis. These principles include feminism and reflexivity, a participatory action methodological approach, and a deep commitment to the destigmatisation of women involved in sex work, alongside the production of knowledge that can contribute to a reform of current laws and policies that fundamentally increase justice for sex workers in Scotland. I believe that within current debates on sex work globally, social justice concerns – the exploration of women’s economic, political and social vulnerability – are being displaced by an emphasis on the rights and wrongs of prostitution as an industry. Social justice is the prime concern of this thesis and the approach taken, and a commitment to ensuring women’s voices and subjective experiences are amplified in the findings and accounted for in drawing conclusions.

As such, the contributions this study aims to make to sex work governance debates is threefold: (1) by bringing to the fore the importance of sex workers rights as a broader feminist project of realizing social justice for women, this thesis contributes to feminist theorising that goes beyond polarizing and binary discourses, attempting to continue the project of other researchers to remarry a history of irreconcilability of feminism and sex work; (2) By employing a participatory action informed research (PAR) approach, the methodological nuances of researching the lifeworlds of a marginalised population of women are explored, and an attempt at engaging sex workers as part of the research, rather than merely as passive participants of research, is put forward, reflecting on the issues this presents for PhD level research; (3) and finally, findings and conclusions drawn aim to contribute to the current debates on the most effective model of governance of sex work, from the position of desire and need to protect the rights of female sex workers, reduce the stigma, and thus violence and exploitation, experienced by this population, and fundamentally increase social justice for female sex workers.

Participatory Action in Practice

The desire to see social justice as both a task and a process within this study required the transcending of traditional theoretical and methodological frameworks, and thus through this small research study, I tasked myself with contributing to ‘an agenda for change’, which is described by McGarry and Fitzgerald (2018) as the commitment to ‘values which enable people to flourish and live fulfilling lives’ (2018: xvi in McGarry and Fitzgerald, eds. 2018). Armed with this desire from the early stages of research, I contacted numerous support agencies for people involved in the sex industry to enquire about the possibilities of them gatekeeping for this research. Due to funding cuts however, many of these services were reducing staff numbers and working hours. The main project in place in Glasgow at this time, Base 75, was going through a restructuring process, now having reformed as Routes Out, a service in partnership with Glasgow Community Safety Partnership. In Edinburgh, the organization SCOT-PEP was also restructuring, following funding cuts, developing from a service provider to an advocacy and campaigning organization. Whilst some services were still provided by the National Health Service in Glasgow and Edinburgh, these were focused on meeting the sexual health needs of sex workers. As a relatively inexperienced PhD researcher, I felt isolated in trying to conduct this research at a basic level of accessing participants, and thus much more so in trying to create a methodological framework that meaningfully engaged sex workers in the design of the approach. The response I received from the leading services for sex workers in the four main cities in Scotland (excluding SCOT-PEP, which at this point had ceased to provide services) were:

“We do not have the time to screen researchers to ensure they are of the same viewpoint as our service; therefore, we unfortunately cannot assist with your research at this stage.”

“Women who are prostituted are in a state of recovery when they are part of our service and to ask them questions about their prostitution and abuse would be retraumatizing for victims”

“Unfortunately, we have very limited resources and thus only engage with researchers who are in post-doctorate stages of their career”

“We must decline your request for assistance with your research due to our necessity to mitigate any further harm to prostituted women in recounting their stories of abuse. We do apologise for the inconvenience and wish you all the best.”

Whilst admittedly, my initial frustrations with service providers centred on my own personal worry about not being able to gain even traditional gatekeeper access to research participants, I found my frustrations extending beyond personal views. I was astounded and dismayed to learn that despite the heated topic of sex work in the media, policy debates and in the third sector, there was at this time, very few services available for sex workers to access holistic support. In failing to engage with service providers as gatekeepers to this research, I utilised other methods of sampling and approaching potential research participants, which are outlined in the methodology chapter.

However, the lack of support for sex workers in Scotland continued to play on my mind throughout the period of doing the PhD. Trusted with a sometimes overwhelming account of sex workers' experiences in Scotland, often reiterating: social isolation; exclusion; family breakdowns; violence in and out of work; exploitation by managers; drug and alcohol dependency, often seen as a factor in making the decision to start sex work or sometimes seen as a result of the mundane isolating work when working alone; the fear of current state services, particularly for working mothers; and the overwhelming feeling of social disconnect amongst sex workers, I felt almost exploitative as a researcher in hearing these stories and making friendships, whilst not feeling able to provide or facilitate appropriate avenues of support. Knowing the limitations of the impact of PhD research findings in the shaping of public policy and service provision, related to funding priorities, I felt determined to support sex workers in some way from early on in this research process, but fell short of knowing exactly what I could do in a service environment that seemed underfunded, and tied to a political agenda that did not support sex worker self-organisation.

During the third year of this PhD 'journey', I took on full time employment with the Global Network of Sex Work Projects (NSWP) as Global HIV Policy Officer. Based in Bangkok at the beginning of my post, my role involved supporting the set-up, strategic planning and expansion of sex worker-led, community-based support services in South East Asia. I also had the opportunity to facilitate the input of sex worker-led organisations globally into the most recent programme guidance on implementing a rights-based, and effective holistic health service run

for, and ideally by, sex workers. In this endeavour, I documented, through sex worker groups around the world, evidence of successful sex worker input and/or leadership in health programming, including in responding to violence, and worked to input these into the WHO guidelines, alongside other partners including USAID, The Gates Foundation, and UNFPA.

On returning to Scotland and continuing the PhD research, I decided to put the aims and principles of social justice and the PAR approach into practice by forming the organization: Umbrella Lane¹. In founding the community-based and peer-led service, I reached out to sex workers who were integral parts of the thesis research to work together in facilitating small workshops with sex workers across Scotland to share the programme guidance developed at global level, and the principles behind its development. We also brainstormed how a Scotland-specific service could draw on these programme guidelines, whilst ensuring local needs and demands in relation to service provision were accounted for. Whilst this service was never intended as a vehicle to recruit research participants, I do remain indebted to the sex workers involved for providing constant support for the development of this thesis, and their willingness to read drafts and input their reflections on the findings. Umbrella Lane is now registered as a SCIO (Scottish Charity Incorporated Organisation) and exists to capacity-build and empower sex workers to deliver peer support and services to sex workers. The charity is led through governance structures that prioritise sex worker leadership, and provides a comprehensive, rights-based and non-judgmental support service to sex workers of all genders, regardless of whether they are working through choice, circumstance or coercion. Through the work of volunteers and project-based staff, Umbrella Lane currently offers a range of support and referrals, including provision of a safe space, safer sex supplies, safety and empowerment workshops, social events and organized sex-worker-only meet-ups and, in partnership with a national HIV Charity, a dedicated sex worker health clinic, which has increased uptake of testing and treatment services. Umbrella Lane is underpinned by the belief that running a holistic service that looks after the material, physical, emotional and sexual health needs of workers is the best way to reduce their

¹ Umbrella Lane is Recognised as a Scottish Charitable Incorporated Organisation (SCIO) with the Office of the Scottish Charity Regulator (OSCR) Charity Number: SC045915
www.umbrellalane.org

isolation and marginalisation, remove barriers to their access to services and support, and foster a sense of participation and community-building that is fundamentally underpinned by concerns of social justice. Umbrella Lane currently has a network of around eighty sex workers in Scotland and is now a member of various international networks of sex work projects, including The Global Network of Sex Work Projects (NSWP) and the International Committee on the Rights of Sex Workers in Europe (ICRSE).

The development of Umbrella Lane continues to be inextricably linked to the principles of social justice, principles that represent a cornerstone of inquiry, analysis and theorising in this thesis. Social justice as a vantage point for this research also provides a lens to view the injustices faced by sex workers differently and considers inter-sectioning oppressions in analysis and examination of what is required and what change would truly serve sex workers in their struggles for rights, redistribution, recognition, respect and, arguably most importantly, their inclusion. The following discussion introduces these principles of social justice engaged in exploring the main research question and is used as an analytical framework in addressing specifically the third research aim: to compare ways in which the comparative legal and policy frameworks were exercised to enable or constrain sex workers access to justice.

Public Anxieties & Social Injustice

Sex work policy debates reveal a pervasive anxiety about the female sex worker, who has become enmeshed in a host of often contradictory discourses and stereotypes. As previously alluded to in this chapter, these discourses have been tied to public anxieties prevalent at certain periods of time, shown by the ever-changing interpretation of sex work/prostitution and the evolving imagination of who the female sex worker is and what she represents. Prostitution is used as a barometer of both individual character, and the health and state of society and gender relations within that society. The female sex worker, therefore, has become an active site of analysis and at times scapegoated over wider anxieties of, for example, public health, gender relations, and women's rights. Campbell (2004) asserts that women's rights depend on the degree to which women fulfil their responsibilities as contingent workers, consumers and caretakers, and ultimately 'purchase their autonomy at the price of good behaviour and social conformity'

(2000: 4). Female sex workers contravene this order and are thus subject to varying degrees of state surveillance and regulation.

Most women do not sex work and they adhere to the social expectations of their roles as responsible citizens, and responsible women, by continuing to take on the burden of child rearing, domestic work and care-taking. Until recently, unrepentant sex working women were governed through modes of social regulation, such as threats of child removal and social stigma and blame, as shown in the example given previously of the protesting sex workers in Lyon, France in 1987 (O'Neill, 2002). However, the global outrage of human trafficking and sexual slavery that developed in the late 1980s brought new representations of women engaged in sex work to the fore. No longer publicly imagined as morally corrupt or bad women per se, female sex workers were conflated with female victims of sexual slavery and human trafficking. Prostitution, once understood as a victimless crime, became re-classified as a crime that victimizes the women and children involved (Phoenix and Oerton 2005: 86). From this time, a shift can be observed in the state regulation of sex workers, from punishment and discipline to more neoliberal mechanisms of control (Bernstein, 2012). Within this renewed focus on women as victims of trafficking and prostitution, conflated upon a spectrum of violence and exploitation, the techniques of state control and governance have pivoted on women's helplessness and acceptance of victimhood as fundamental in their ability to be supported and, arguably, reformed. Phoenix and Oerton (2005) argue that the official discourse on prostitution 'consolidates moral authoritarianism ... through the criminalisation and "reform" of women and children in prostitution' (Phoenix and Oerton 2005: 77). Scoular and O'Neill (2007) argue that this framework of governance is part of a neo-liberal agenda that offers social inclusion as contingent upon responsabilisation, at the expense of engaging with the structural features and complexity of the phenomenon of prostitution, and ultimately symbolises a retreat from social justice for women selling sex.

In developing a holistic framework of social justice, key theorists have been engaged in this thesis, and have aided the production of an understanding of oppression and injustice and social justice that, when taken together, have become more than the sum of their parts. In order to theorise, a wealth of sex worker experiences as presented in both academic and community-based empirical

research, and the data collated in this thesis, Young's (1990) seminal work on oppression and injustice has been used as a guiding theoretical structure, alongside theories of stigma, specifically in relation to sex workers (Pheterson, 1996). This framework has been engaged as a metaphorical frame that positions female sex workers with heterogeneous experiences as a social group subjected to 'group oppression' (Young, 1990). This fits well with the recognition of the legacy of stigma perpetuated towards female sex workers that is acknowledged previously in this chapter, and explored more fully in chapter two. Given the legacy of stigma towards female sex workers, and their subjection to various modes of governance, control, and at times scapegoating over public anxieties present at certain times, the resultant oppression of female sex workers can be identified throughout the literature. Yet, the wealth of debate, public and political opinion, and fluidity of perception towards female sex workers has, in effect, binaried interpretations/representations of the experiences of female sex workers, at times homogenizing these experiences to suit political goals and neoliberal projects of control (Scoular and O'Neill, 2007). To shift analysis of women's experiences away from this binary thinking, a framework of group oppression was helpful, allowing for the exploration of a multitude of experiences, and varying levels of injustice/oppression faced, to be viewed as symptomatic of the wider structures and forces that have led to the marginal status of female sex workers. This framework recognises that, despite the theoretical lens applied to the wider institution of sex work, and despite heterogeneous experiences, female sex workers face stigma and marginalisation as a result of their long history of transgression from norms around gender, sexuality and morality. Intersecting axes of stigma and oppression are accounted for through this theoretical frame. Limitations of this study include the decision not to explore fully additional axes of oppression, for example, ethnicity, migrant status, sexual orientation and class, were not fully explored nor theorised.

Young (1990) advocates for a feminist theory of social justice that goes beyond distributive equality, and emphasises multiple forms of injustice, oppression and domination. In pluralising the traditional Marxist theory of oppression, Young (1990) develops an account of five faces of oppression by including exploitation, marginalization, powerlessness, cultural imperialism and violence in her criteria of determining oppression (48-63). In this way, Young successfully redefines the question of justice away from the purely redistributive mode of welfare state

capitalism, as focused on in earlier Marxist theory, and asserts a ‘politics of difference’, whereby cultural forms of justice - for example, recognition - are theorised as paramount in the quest for justice. Young’s theories have been useful in this thesis to provide a more holistic, yet synthesised, understanding of the effects of injustice towards and oppression of female sex workers, and to begin an exploration of the multiple strands of struggle for justice, that include both distributional and cultural elements.

In understanding sex workers’ experiences of toiling with these elements of justice in response to their experiences across the five faces of oppression that Young asserts as conditions of injustice, Fraser’s (1997) theories on the relationship between redistribution (distributional justice elements) and recognition (cultural justice elements) have been engaged. Fraser’s theory of social justice offers a way to explore the possible conflicts between these tenets of social justice struggles in her exploration of the ‘redistribution- recognition’ divide (1997). In understanding the possible tensions that may arise amongst social groups and movements in their struggles for justice, a deeper understanding could be developed of not just the institution of prostitution that female sex workers enter into, but moreover in how the historical, political and economic context and structures of society have created foundational platforms for sex workers’ resistance to injustice, and shaped the social movements occurring in Scotland and New Zealand, and globally, towards sex workers’ rights. These social movements could be seen to incorporate elements of both redistribution and recognition; thus, Fraser’s warning of the possible tensions between these strands of struggle were imperative in understanding and exploring the ways in which the comparative legal and policy frameworks were experienced to enable or constrain sex workers access to justice, as per the main research aim.

Returning to the ‘politics of representation’ Fraser (2012) referred to earlier in this chapter, meaning investigation into what is said, who has the power to say it and how it becomes knowledge as explored, an additional important strand of justice was useful for inclusion in the theoretical framework of this thesis. In comparing ways in which the legal and policy frameworks structured sex workers’ agency, and thus their abilities to engage in the political sphere of policy-making and in the public generally, the relational tenet of justice became paramount in our understanding. The relational aspect of justice has been extended by theorists, and

has come to be termed “associational justice” (Power and Gewirtz, 2001, 41). Associational justice is thought to underpin both the economic and cultural aspects of injustice, and refers to the patterns of association amongst individuals, and amongst social groups, which prevent some people from participating fully in decisions which affect the conditions within which they live and act (Cribb and Gewirtz, 2003). Cribb and Gewirtz’s (2003) conceptualisation of associational justice is concerned with locating where there are spaces for agents who are *not part* of the dominant group to be part of the decision-making process that structures their agency.

Toiling for this kind of associational justice may engage with how communities might begin to take part in the process of converting policy as text into policy as discourse. This type of strategy and effect of justice was imperative in exploring the experiences of female sex workers in the comparative contexts, and the extent to which the comparative legal and policy frameworks were experienced to enable or constrain sex workers access to redistributive and recognitional justice, with their experiences of associational justice signaling both a means and an end in itself in certain experiences and situations explored in their narratives. Further theorizing of this associational tenet of justice utilized Fraser’s conception of justice as founded on the principle of ‘participatory parity’, and the notion that ‘justice requires social arrangements that permit all (adult) members of society to interact with one another as peers’ (2007a: 27).

One of these social justice theories would not be inclusive enough to explore meaningfully the injustices and oppression faced by female sex workers, nor the struggles that are, to various degrees, being engaged with and exercised to claim social justice. Yet, taken together as a holistic framework of social in/justice, these theories allow: firstly, for the synthesizing and exploration of sex workers’ lived experiences, as created through historical, political and economic structures and forces that can be seen from a feminist social justice perspective to govern the lives of women more generally; secondly, for the critical analysis of current forms of governance over sex work, and the ways in which these operationalize to affect the lived experiences of female sex workers; and finally, to compare the ways in which the comparative legal frameworks allow for the inclusion of sex workers and support their struggles for their rights, respect, redistribution, inclusion and recognition through the advancement of their social justice (O’Neill, 2010).

Thesis Structure

This thesis consists of nine chapters, starting with this introductory chapter. In engaging with the main research question in this thesis, the charting of such shifting representations of female sex workers, and the phenomenon of prostitution per se, was essential and is thus presented throughout the literature chapters (chapters two and three) of the thesis by tracing the contours of prostitution policy, laws and forms of governance. In engaging with the theme of social justice threaded through this research, and using this framework to explore the impact of the legal and policy frameworks on the lived experiences of female sex workers and then comparing ways in which the comparative governance frameworks have been experienced to support, interrupt or subvert injustice and oppression and thus enable or constrain sex workers access to justice, additional literature on social justice has also been synthesised, and a holistic framework of understanding and analysing social justice is developed at the end of chapter three. Together, chapters 1-3 develop and present the conceptual and theoretical frameworks within which this study is set.

Chapter four then moves to outline and justify the methodological approach taken in this study, which fundamentally seeks to adhere to principles of social justice as a process. The methodological approach is contextualized and situated within theoretical traditions, and the theoretical underpinnings of such participatory methodological approaches are exposed and examined. A reflective account of the methodology in practice is also given, noting specific decisions taken by the researcher in the stages of preparation for fieldwork, data collection, and review and analysis of the findings, whilst reflecting on the benefits and pitfalls of these fieldwork-specific decisions.

The findings of this study are presented in chapters five – eight, which are structured on key thematic areas identified from the data. Chapter five explores the concept of agency in relation to women's initial entry to sex work. Chapter six pivots analysis of findings on the concept of risk in relation to sex workers' occupational health and safety. Chapter seven moves to critically explore the

policy frameworks in the comparative settings and investigates women's engagement with policy-driven support services within the legal frameworks operated in Scotland and New Zealand. Chapter eight centres on women's experiences of stigma and the relation of stigma and recourse to justice in cases of violence. Chapter nine synthesizes the findings of this study to build comparative analysis of women's lived experiences through the analytical framework of social justice, concerned with addressing the overarching thesis aim: to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice.

Chapter Two - Literature Review Part I | Theorising Sex Work, Stigma & Oppression

Introduction

Extending from the introduction and opening commentary on the legacy of stigma and associated surveillance of female sex workers, this chapter moves to explore the literature pertaining to the changing ways that sex work/prostitution has been theorized, and accordingly regulated, throughout history to the present day. The ways in which today's female sex worker is understood, and how she is subject to state intervention, is very much a product of the long history of the public discourses and anxieties that surround sex work. Tracing this history in this chapter highlights changing debates, policies, and cultural discourse surrounding the sex industry, and their impact on the rights of sex workers worldwide and the ability of sex workers to organize themselves as a social movement for justice and reclaim the narrative of their lives and experiences.

Stigma as a conceptual framework is introduced as a precursor to understanding oppression and injustice. These antitheses are theorized in the latter part of this chapter, developing a theoretical framework that locates sex workers' struggles for rights, recognition, respect, redistribution and inclusion against a backdrop of the presented long history of stigma, oppression and injustice against female sex workers. Stigma is presented as a possible barrier to sex workers' rights, but also as a means to the creation of a global social movement that has emerged through a politics of identity (Young, 1990) and champions collective demands for the removal of criminalization of sex work and the recognition of sex work as work (NSWP, 2013). By reading the literature through Young's framework of injustice as presented through the metaphor of 'five faces of oppression' towards the end of this chapter, sex worker experiences, as presented in the literature, are situated conceptually and theoretically within a context that draws on the interplay of power axes of gender, sexuality and criminalisation.

Historical analysis | from temple goddesses to deviant whores to fallen women

Locating the literature and wider thesis within a historical context sheds light on the way that discourses surrounding sex work and sex workers has come to be

understood over time. The status of prostitution as society's "oldest profession" is well evidenced, with increasing efforts being made internationally to document, more fully, the history of prostitution (for example, Roberts, 1992; Philip, 1991; Bullough and Bullough, 1987). As a full historical analysis of sex work is outwith the scope of this research, this Section, therefore, draws upon academic literature that highlights key aspects pertaining to the social constructions of female sex workers at significant points in history. It begins with biblical accounts, moving through to the Victorian era, where the dominant discourse, which influenced regulation during this period in history, continues to underpin the laws surrounding prostitution in the United Kingdom, and many other parts of the world today.

Prostitution has been the subject of considerable historical investigation. The earliest records of prostitution trace back to Ancient Greece (Wells, 1982) where, in this civilisation, prostitutes were considered temple goddesses, fulfilling a unique and important role in society. As examined by Bell (1994), temple prostitutes, during this time, represented the embodiment of the sacred unity between the sexual and maternal body of a woman; which had, by the classical age, been split between "women with a private and secluded reproductive function, as wives and mothers, or with a sexual function, as prostitutes" (1994: 24). There has been some debate around the nature of prostitution at this time, with some historians arguing that the term prostitute came to symbolise all women who were sexually available outside of marriage (McClure, 2005). The sanctity of this unity, between groups of women, soon came under attack with sexual divisions becoming the site of female difference, one being seen as moral and the other vilified as immoral and deviant (Sharpe, 1998; Pheterson, 1996).

This attack coincides with early Christian ideas regarding the position of women in society and Roberts (1992), in her analysis, argues that this is not coincidental but rather that sexual divisions between groups of women are only as old as patriarchal society. Bullough and Bullough (1987) have argued that Christianity is infused with patriarchal ideals, values and constructs, noticeable in biblical accounts of women as sexually different from men, and female sexuality as notably tied with risk, deception and immorality. Essentially, it has been argued that Christianity disapproves of women as sexual beings (Philip, 1991). This argument has been traced back to the book of Genesis where Eve is equated with

desire and sexual temptation; virtues that are further extended in the Bible to signify a risk to mankind. Furthermore, Bullough and Bullough (1987) draw on the contrasting images of women invoked in Gospel writings that demarcate a division between characterisations of women as “Madonna”, the pure virginal woman and “Mary Magdelene”, the whore-saint to be pitied and helped. Despite these divisions in morality, prostitution was nevertheless recognised in early Christian doctrines as a necessary social evil, apparent in the claim by Saint Augustine: “Remove prostitutes from human societies and you will throw everything into confusion through lusts” (McGin, 2004: 100).

The widely held sentiment that prostitution, although immoral, was a necessary social evil, has carried weight throughout history. Perhaps it provides some reasoning behind the definition of prostitution as the “oldest profession”.

Historical accounts of the social construction of prostitution, contextualised within a patriarchal society, give some indication of the extent to which female sexuality has become something to fear and correlated with the notion of sin (Bell, 1994). These readings and understandings of prostitution, and understandings of gender within the context of sex and morality, give insight into the demarcation between “good women” (wives and virgins) and “fallen women” (prostitutes or “whores”) (Pheterson, 1996). It is a division that highlights the beginnings of what has been described as “the systematic denigration of sexuality, particularly female sexuality, engendering increasingly intolerant attitudes toward prostitutes” (Sanders et al., 2009: 2).

Intolerance towards women working as prostitutes grew throughout the nineteenth century, particularly during the Victorian era when the incidence of venereal disease was seen to be rising. At this time, puritanical campaigns sought to regulate the hygiene and morality of prostitutes, constructing the image of the female prostitute through a hegemonic male voice that positioned sex workers as vectors of disease. This construction is poignantly evident in a description made by Acton during this time:

“What is a prostitute? ... She is a woman with half the woman gone, and that half containing all that elevates her nature, leaving her a mere instrument of impurity, degraded and fallen she extracts from the sin of others the means of living, corrupt... a social pest, carrying contamination and foulness to every quarter” (Acton, 1870: quoted in Bell, 1994: p55)

Seminal work produced on this era (Walkowitz, 1977, 1982) recounts the historical context of female sex workers becoming legally recognised and their labelling as “common prostitutes”. The Contagious Diseases Acts of 1864, 1866, and 1869 were introduced to control the spread of disease among enlisted men in garrison towns and ports. Under these Acts, a woman could be identified as a “common prostitute” by an undercover policeman. It was a label that meant she would then be subject to a fortnightly internal examination. As Walkowitz (1982) documents, women found suffering from gonorrhea or syphilis at this time would be admitted to a lock hospital. The labelling of some women as “common prostitutes” at this time also extended police powers to register sex workers and bring those to trial who did not comply with the Acts. During court proceedings, women were expected to prove their virtue, extending beyond proving they did not accept payment for sex to having to justify any sexual relations that they had had outwith marriage.

Led by Josephine Butler, the Ladies’ National Association (LNA) staged a large and organised public condemnation of the Contagious Diseases Acts² (1864, 1866, and 1869). The Acts were denounced by the LNA as overt class and sex discrimination that created a double standard of sexual morality. It was argued that the Acts deprived “poor women” of their constitutional rights, while sanctioning male vice (Walkowitz, 1980). In the years that followed, the Acts became the focus of extensive political and public debate. Significantly, although led by predominantly middle-class feminists, the LNA expressed “an identity of interest with inscribed prostitutes and intense anger at the police and medical domination of the ‘fallen sisters’” (Walkowitz, 1980: 6). However, as Walkowitz (1980) describes, the struggle for female autonomy was in a sense ironic; feminists leading the campaign for the repeal of the Contagious Disease Acts were limited by their own class bias and understandings of and adherence to an ideology that stressed women’s purity, moral supremacy and virtue. This short-sightedness meant that, when feminists of this era were presented with an unrepentant prostitute who refused to be rescued or reformed, their discourse and

² The legislation that was implemented alongside the CDAs allowed police officers to arrest women suspected of being prostitutes in certain ports and army towns, later expanded to other towns across the country. The women were then subjected to compulsory checks for venereal disease. If a woman was declared to be infected, she would be confined in what was known as a lock hospital, which was a hospital specializing in the treatment and prevention of the spreading of STIs.

analysis was challenged. Whilst the LNA, amongst others, were successful in the repeal of the Contagious Diseases Acts, the triumph was short-lived in the face of a rise in social purity crusades and increased police crackdowns on prostitution, notably most intense amongst visible street-working women. The social construction of female prostitutes during this era, as poor degraded women to be rescued, has arguably had a lasting impact politically. There has been a plethora of responses emerging since which take, as their starting point, Josephine Butler's vision of saving "fallen women" by bringing prostitutes "back to womanly dignity and virtue" (Bell, 1994: 62). It is this marking of the prostitute body as diseased, corrupt and/or "fallen" that has become the dominant cultural image of the female prostitute. Roberts (1992) in her historical analysis of prostitution convincingly concludes that the female prostitute is the most maligned woman in history.

Labelling and the political currency of terminology

Historical analysis of prostitution/sex work reinforces the importance of discourse in this field of research. Discourse inevitably enables and constrains the ways in which the subject of sex work is represented. The often-competing discourses around sex work are reflected in the variation of terms deployed to describe those who sell sexual services, with both the personal and political currency of these labels being widely recognised in the literature (Basu & Dutta, 2008; Kinnell, 2008; Kempadoo & Dozema, 1998; Prestage & Perkins, 1994).

The prostitute

The label of "prostitute" has been considered problematic due to the negative connotations that are often associated with the term, inferring an identity to a person that goes beyond the work they engage in (Lichtenstein, 1999; Jennes, 1993). As Jordan (2005) notes, "the term "prostitute" refers not only to a persons occupation but it also acts in the public mind and understanding to override their identity, conferring a social role and stigma to the wearer of such a label" (Jordan, 2005: 22). This social role and stigma is arguably purposeful in the meaning of the word "prostitute", a label that goes beyond describing an individual who engages in the provision of sexual services. For example, it is significant that in the *Oxford English Dictionary*, a prostitute is defined as, "[a] woman who engages in sexual activity in return for payment, esp. as a means of livelihood; (formerly also) any

promiscuous woman, a harlot,” “[a] person entirely or abjectly devoted to another; a ‘slave,’” and, “[a] person who acts in a debased or corrupt way for profit or advantage; a person who undertakes any demeaning or dishonorable act, office, or connection for personal gain” (Tomura, 2009: 52). These definitions infer unmistakably negative and stigmatising connotations to the word *prostitute* (i.e., “debased,” “corrupt,” “demeaning,” and “dishonourable”). The inclusion of the term *slave* implies that prostitutes are people who serve others without a sense of autonomy and control or basic human rights (Tomura, 2009: 52).

The prostituted woman

“Prostituted woman” is notable as a label in that feminists coined the phrase in an attempt to re-shift the blame for the “problem of prostitution” from the seller to the purchaser, to reflect the gender and patriarchal relations at play (Kesler, 2002). This camp of activists and advocates aimed to challenge the common perception of prostitutes as “whores”, a label that signified an absence of morals amongst female prostitutes (Bell, 1994). This redefinition is located in the wider analysis of prostitution as an institution, embedded in patriarchy that denotes a form of male violence against women, indicating therefore that female prostitutes are the victims of male demand for paid sex in a patriarchal system (Dworkin, 1981, 1987). The label of “prostituted woman” has been the subject of substantial backlash, with some arguing that this label constructs those who sell sex as devoid of agency and autonomy, engaging not in an occupation that has been *chosen* but instead being part of a violent and abusive institution that has *happened* to women (Rosen & Venkatesh, 2008; Weitzer, 2006). The label infers a lack of agency on the part of a female sex worker and implies her control by a third party, and thus her victimhood in the institution of prostitution.

The sex worker

Identity, rights, resistance, legitimacy and decriminalisation can be identified as key cornerstones of the collectivisation of those involved in selling sex globally. Encapsulating these struggles is the redefinition of prostitution as ‘sex work’, and those who sell their sexual labour to be reclassified as “sex workers”. The term sex worker was first used by Carol Leigh, a sex workers’ rights activist, also known as “The Scarlet Harlot” (Leigh, in Nagle, 1997), and has since been

fundamental in cementing the sex workers' rights movements' demand for recognition as workers entitled to labour rights within the context of the decriminalisation of sex work (Sanders et al., 2009). The sex work label asserts a two-tiered framing of those involved in the provision of sexual service. On one hand, the term "sex worker" has been linked to a radical sexual identity, while on the other this discourse stresses the labour involved in sex work, and thus the normalisation of sex workers as "service workers and care giving professionals" (Bernstein, 1999: 91). In the former categorisation, the female sex worker is associated with sexual freedom, sexual diversity and female autonomy, a position summed up by a member of the San Francisco based sex worker group; Call Off Your Old Tired Ethics (COYOTE):

"I've always thought that whores were the only emancipated women" [...] we are the only ones who have the absolute right to fuck as many men as men fuck women" (Margo St. James, quoted in Bernstein, 1999: 98).

In this reading of sex work as work discourse, the female sex worker is free from the constraints of patriarchy and viewed as the counter "other" to that of the subversive woman who is expected to fulfil sexual roles in the confines of marriage and love. For pro- sex work feminists, the abolitionist feminist perspective on sex work is seen as hypocritical and contradictory: on the one hand, the feminist project is to emancipate and empower women, while on the other, the campaign to abolish prostitution emphasises the need to reinstate traditional morality in the form of heterosexual monogamy (Bernstein, 1999).

A more widely acknowledged interpretation of the term sex worker however, is the aim to shift the lens through which commercial sex is viewed; away from understandings centred on the social or psychological characteristic of a class of women to an income-generating activity or form of employment for people of all genders (Kempadoo & Dozema, 1998: 3). The term sex worker is increasingly considered a more inclusive term, following a growing appreciation, within the literature, that the sale of sexual services is seen by many as a form of work (Brewis and Linstead, 2000). Furthermore, "sex worker" is seen as a label

that better reflects the lived experiences of the majority of those providing services in the sex industry (Basu and Dutta, 2008). Whether prostitution/sex work can theoretically be defined as an occupation is a subject of extensive debate. In this thesis however, the term sex worker is used predominantly since it reflects more accurately the language used by research participants themselves to describe their work. From a feminist perspective, this study aims to privilege the voices and lived experiences of female sex workers. All participants in this study recognised sex work as their work and/or a form of labour that they undertook, as has been documented in previous studies (Armstrong, 2011; Jackson, Bennett, & Sowinski, 2007; Kong, 2006; Thomson, Harred, & Burks, 2003). The construction of selling sex by those involved as a form of labour/work has been documented previously in the literature; for example Perkins (2007) notes:

“They [sex workers] refer to themselves as ‘working girls’ or simply ‘workers’. The men who visit them are called ‘customers’ or, more often ‘clients’, and their payment is called a ‘fee’ or ‘pay’...time spent with a client is known as ‘a job’, or ‘a session’, and the period involved is referred to as the prostitute’s ‘time’”. (Perkins 2007:10- 11)

The term “prostitute” is used in this thesis only when discussing sex work in a historical context to reflect the time period, or when this term is used in academic literature or legislation and policy being explored to avoid issues of misrepresentation. Sex work, for the purposes of this thesis, is defined as the exchange of sexual services for money or goods. A female sex worker, for the purposes of this study, is a cisgender woman³ who receives money or goods in exchange for sexual services, either regularly or occasionally. The parameters of this definition, namely the excluding of trans female sex workers and female workers involved in the provision of indirect sexual services, for example dancing, stripping, pornography, telephone sexual services and webcam work, will be discussed in depth in the methodology chapter, in a wider context that also reflects on the limitations of the study.

Theorising sex work

The terminology review presented is linked with dominant discourse and debates

³ Cisgender refers to people who have a gender identity that matches the sex that they were assigned at birth. Cisgender women, therefore, refers to women who identify with being a woman based on their assigned female sex at birth.

on sex work. To reflect more involvedly on the origins and influences of current sex work discourse and related governance, broad theories are explored in this section with notable contributions extending from historical, philosophical, sociological and criminological positions. Much of this literature has grappled with what Armstrong (2011) refers to as the “choice/coercion” debate. In this paradigm, theorists have centred their analysis around a range of perspectives which focus on the extent to which women *would* or *can* choose to engage in sex work. This binary theorizing on sex work has garnered substantial criticism for an over-focus on the institution of prostitution, at the expense of recognizing the heterogeneity of experiences of those involved. Both camps of theory are reviewed in this section, tracing evidence of the statement that feminism and prostitution have thus far been irreconcilable (Jesson, 1993).

Prostitution as the ultimate women’s oppression

The latter half of the twentieth century heralded a surge in feminist campaigning and writing that documented and addressed violence against women. Feminist activists during the 1970s and 1980s were reacting to a multitude of serious social concerns, including domestic abuse, rape and sexual harassment. All of these concerns were theorised, within the radical feminist analysis, to be the result of women’s relative powerlessness in the home and in the workplace (Staggenborg 2011; Cossman 1997; Adam 1995). The issues of pornography and prostitution emerged during this time as particularly divisive within the feminist movement. In this context, pornography in particular was viewed as symbolic of everything that is wrong with the relationships between women and men — interpreted as the public depiction of women as sexual objects and men as sexual predators and thus reinforcing a culture of male violence against women. According to Hunt (1999), at the beginning of the 1980s, this branch of the feminist movement was characterised by a preoccupation with sexual imagery and representation, and by extension, sex itself became viewed and theorised as degrading.

Prostitution at this time became inextricably linked by the feminist position to patriarchal oppression, in that prostitution as a practice contributed to women’s oppression. Moreover, prostitution as an institution was viewed to have been built on female subordination and male dominance. Since the outset of this theoretical lens within the feminist movement, various additions, analyses and layers of

interpretation have arisen in the literature.

However, underpinning feminist writing that theorises prostitution as violence against women and oppression is a shared assertion that prostitution could not exist alongside gender equality outwith the patriarchal society, and it must therefore be abolished as a feminist project in pursuit of women's emancipation. In the years that followed, with the feminist call to end violence against women, the issue of human trafficking for sexual purposes became a key cornerstone of radical feminist arguments against prostitution.

Discourses invoked in this area, and that of prostitution, were strikingly similar to those used in the white slave trade, with a clear conflation of sex work with sexual slavery as part of a continuum of violence against women (Agustin, 2007). This parallel led to the terming of feminists of this persuasion as "abolitionist feminists" (Ibid). Some activists within the sex worker movement are critical of this terminology and its association with the abolition of slavery. Instead, many refer to feminists taking this stance as "prohibitionists", drawing parallels to alcohol prohibition and the current prohibition of drugs in most countries around the world, a term that has been accepted as less controversial. However, given that recent campaigns to abolish prostitution have centred on the implementation of the Swedish Model, whereby the purchase of sex is criminalised (Levy and Jakobsson, 2014), and the term abolitionist feminism is widely used in this context and campaign, this terminology will be used in this thesis to refer to those campaigning from this perspective.

The contention among theorists around the commodification of sex or sexual services in general is one that draws heavily on Marxist analyses in relation to capitalism. Marxist theorists have argued that while the labourer can design a service/product and can be contracted by an employer,

"labor, like all life processes and bodily functions, is an inalienable property of the human individual' and therefore what workers sell and employers buy, 'is not an agreed amount of labour, but the power to labour over an agreed period of time'" (Braverman, 1974: 54)

Situated within a wider analysis of patriarchy, some abolitionist feminist theorists

have extended the Marxist capitalist analysis by situating this within the context of patriarchal capitalism. Pateman (1988) posits, in her seminal analysis on the links between prostitution, capitalism and patriarchy, that the female sex worker cannot freely exchange her labour as in a capitalist market as one cannot separate oneself from one's labour power; and therefore, what female sex workers are selling is not sex as a free commodity exchange but rather a selling of oneself in a capitalist market economy,

“womanhood ...is confirmed in sexual activity, and when a prostitute contracts out the use of her body she is thus selling herself in a very real way” (Pateman, 1988: 207, emphasis in original).

In drawing on Marxist theory of wage labour in a capitalist economy, Pateman recognises that her initial analysis is not confined to prostitution but can be extended to all forms of wage labour. Thus, labour cannot be seen as an inalienable property of the individual, but rather the individual in and of themselves. Pateman however, in placing her capitalist analysis within a feminist view of power and gender relations, suggests that prostitution contributes a new dimension to the Marxist capitalist analysis, in that as an institution and a practice, prostitution acts to sustain men's power over women's bodies by granting further access for sexual control than is already assumed in the relations of patriarchy, namely that of marriage. Pateman (1988) argues that the patriarchal institution of marriage grants men sexual control over women; a male privilege that is argued to be reaffirmed and strengthened through the existence and acceptance of prostitution, “prostitution is an integral part of patriarchal capitalism ... men can buy access to women's bodies in the capitalist market” (Pateman, 1988: 189). In a patriarchal capitalist society, the institution of prostitution arguably strengthens male supremacy by allowing an additional level of male access to women's bodies in what Pateman terms, “a system of universal prostitution” (1988: 201).

Unlike Pateman's emphasis on an economic analysis, alternative and more recent abolitionist feminist analyses have drawn on the wider concepts of gender and power to illustrate the oppressive nature of prostitution (see for example, MacKinnon, 1987, 1989; Dworkin, 1987, 1989; Barry, 1984, 1995; and Millet, 1975). Writings from this feminist perspective have emphasised the victimisation and suffering of women who sell sex, and the damaging nature of the sex industry. This portrayal of prostitution has been extended by some feminist theorists who have argued vigorously that a woman *can* never freely consent to such a

commodification of their bodies (Raymond, 1999; Jeffreys, 1997; Barry, 1995; Jarvinen, 1993). Furthermore, feminist theorists have argued that no woman *would* choose to do sex work (Sullivan, 2007; Farley, 2004; Raphael & Shapiro, 2004; Farley, Baral, Merab & Sezgin, 1998; Raymond, 1998, 2004; Jeffreys, 1997; McKinnon, 1987; Barry, 1984). Farley and Kelly (2000) illustrate this argument: “To the extent that any woman is assumed to have freely chosen prostitution, then it follows that enjoyment of domination and rape are in her nature” (2000: 30). Within this frame, prostitution is equated with the sexual slavery and domination of women, and thus discussed alongside other social practices and institutions that have been targeted by abolitionist feminists, most notably in the context of sex trafficking (Agustin, 2007). As Barry (1984) reflects:

“Agreeing to go with a customer, taking his money, and agreeing to and performing specific acts appear to be choices. The appearance of choice is especially necessary for prostitute women for without it they could, in this stage of prostitution, lose their selves entirely.” (1984: 33).

Abolitionist feminists thus begin with the assumption that no person could “choose” to sell their bodies (Svanstrom, 2005; Gould, 2001). Rather, in a patriarchal society, women are forced into prostitution either through violence, coercion, or lack of other options (Berger, 2012; Raymond, 2004). Women who claim to have chosen to engage in prostitution only believe they have freely chosen it because they have internalised gender inequality and patriarchal norms and have taken on a false-consciousness, or have disassociated as a survival strategy (Berger, 2012; Raymond, 2004). Because it is not possible to choose to engage in prostitution, women in prostitution lack agency by definition.

Critiques & Alternative Theorising

The abolitionist feminist literature on prostitution, however, has garnered as much critique as it has traction since its emergence, both from sex workers themselves (Delacoste and Alexander, 1987) and from a range of other theorists (Weitzer, 2010; Morgan Thomas, 2009; Scoular, 2004). Weitzer (2010), for example, refers to this body of thought as “the oppression paradigm”, whereby sex workers are defined indefinitely as victims of gender power- dynamics. Scoular (2004) echoes this criticism in her critique of the abolitionist- feminist notion that draws on gendered power-dynamics and domination theory to essentially “reduce all

women to prostitutes and all prostitutes to their sex acts” (345). Central to critiques of the abolitionist-feminist perspective is that this analysis is an overly simplistic portrayal of sex work that subsequently fails to acknowledge the capacity of sex workers in relation to individual choice (Scoular, 2004). A wide body of literature has critiqued the victimhood perspective put forward in this discourse, exploring how this side of the debate fails to account for women’s agency, responsibility and accountability (Bennachie and Marie, 2011; Morgan Thomas, 2009; Kinnell, 2008; Brooks-Gordon, 2006; Sullivan, 2004; Weitzer, 2005, 2006; Maher, 2000; O’Connell Davidson, 1998; Queen, 1997). In reference to this, Wahab and Sloan (2004) note that “portraying all sex workers as victims or deviants obscures issues of agency”, with “agency” being defined by the authors as “personal will and ability to act” (2004: 4).

By problematising notions of choice and coercion, some theorists have concluded that we cannot ignore structural conditions and factors that govern people’s lives, and as such, women’s choices in relation to prostitution (for example the choice to enter and/or to remain in sex work) may be understood as a choice made within the context of certain circumstances (Matthews, 2008; Rosen & Venkatesh, 2008; Phoenix, 2000, 2006). The heterogeneous nature of women is also reflected in the wide variety of their individual circumstances and choices, and the relationship between the two. For example, some findings have suggested that women who enter the sex industry in the context of extreme structural oppression often reject the rhetoric of coercion and victimhood (Harding & Hamilton, 2008). In studies that have analysed this relationship further, the ideas of resistance and resilience have become pivotal parts of sex workers’ narratives (Gysel et al., 2002).

Exploring the resilience and resistance of female sex workers who enter sex work in the context of extreme structural oppression (O’Neill, 1997) is an area that is almost entirely invisible in academic research. This is arguably due to the practice of some researchers who have previously been criticised for simplifying the link between sex workers’ circumstances (where these may indicate forces of oppression, for example childhood sexual abuse) and using these as grounds to argue that sex workers have fallen victim to “false consciousness”, a condition that is seen to override any personal testament of choice in relation to selling sex by prohibitionist-feminists (Weitzer 2010). Summing up the debate around choice/coercion in sex work, Scrambler (1997) argues that,

“There can be no question that even women confronted with relative

poverty, primed by their personal biographies and with peers in sex work can take conscious decisions to enter or not enter the sex industry; and some women decide to engage in sex work outside the sway of all such influences” (1997: 113).

One of the most confounding dimensions in the recognition of choice and agency in sex work, both within feminist theory but also in the wider public imagination, is the relationship that exists in many people’s minds between sexual acts and “love”, and with prevailing ideas that without love, sex is harmful and abusive. Kempadoo and Doezema (1998) note that this interpretation of sex, as the highest form of intimacy, presupposes a universal meaning of sex, and ignores changing perceptions and values, as well as the variety of meanings that women and men hold about their sexual lives. Many studies have documented the strategies and techniques used by sex workers to separate their work from their private lives, and to retain power and control in the sex work setting (Sanders, 2005; Hart & Bernard, 2003). In Sanders’s (2005) study of indoor sex workers for example, sex workers spoke of their creation of bodily exclusion zones and their choice to restrict certain services from all or some clients, articulating clear boundaries around what can and cannot be negotiated for the fee. Chapkis (1997), in her in-depth ethnographic study of sex workers, highlighted the emotional labour involved in sex work, an aspect that she notes is very rarely explored; thus, sex workers are often not recognised appropriately for this emotionally demanding aspect of their labour. As reflected on by Kempadoo and Doezema (1998: 5), sex workers are able to distinguish intimacy and love from the sex act itself, much in the same way that an actor or therapist is able to separate their work from private life, preserving a sense of integrity and distance from emotionally demanding work.

The argument made by Jesson (1993) in her literature review of feminist positions on sex work that “feminism and prostitution are not easily reconcilable” (1998: 521) may be accurate. However, it is important to highlight that there are considerably varied perspectives within the feminist literature on sex work (O’Neill, 2010, 2009; Matthews & O’Neill, 2003; Sullivan, 1991). It is also important to note that feminists and sex workers are not necessarily distinct groups and, indeed, there are sex-working feminists who have been excluded from

feminist spaces for failing to embrace the abolitionist and victim-centred construction of sex work (Fawkes, 2005; Kesler, 2002).

Reclaiming the Narrative | Sex workers' rights movement

In 1975 in Lyon, France, approximately 100 sex workers occupied a church demanding the repeal of the repressive laws and policies that regulated their work. Although the French sex workers were forcibly removed eight days later, without any of their demands having been met, they succeeded in garnering international attention to their cause. This occupation is widely recognised as marking the beginning of the sex workers' rights movement and spurred growing support from a range of political and union organisations (Mathieu, 2001). The sex workers' sentiments and actions in France also resonated with sex workers worldwide. During the 1970s in San Francisco for example, COYOTE (as referred to on page 9) emerged as part of a movement to promote sex workers' rights to self-determination in their occupational choice within a wider analysis of sex work that aimed to legitimise the sex industry. This was grounded in legal campaigns to decriminalise sexual activity between consenting adults, and in particular, between sex workers and their clients (Jenness 1993; Weitzer 1991). Sex worker-led campaigns became visible in the years to follow around the world in, for example, Brazil, Australia, Britain, France, West Germany, Switzerland, Austria, Belgium, the Netherlands, and Italy. The international movement for the rights of sex workers became established in 1985 when sex workers, activists and advocates gathered at the World Whores' Congress, held in Amsterdam in 1985. Attendants constructed the *World Charter for Prostitutes' Rights* to affirm their goal that prostitution should be recognised as work and sex workers afforded the same rights as other citizens (van der Poel 1995; Pheterson 1989).

Sex workers organising for their rights appears to have shifted the discourse to some extent, most notably in Global South countries. For example, Gooptu & Bandyopadhyay (2007) and Chowdhury (2006), in their studies of mobilisation efforts of sex workers in India and Bangladesh, both conclude positively in relation to the impact of sex worker organisation. In both regions, collective action was spurred by a combination of two equally important factors: brothel evictions and raid and rescue operations. These were carried out under the auspices of government programmes, firstly to combat human trafficking, a

position that deliberately conflated sex work and trafficking; and secondly, in response to the widespread stigma and discrimination sex workers in these two countries face in the context of health and related HIV services. This collective action on a mass scale, particularly in India where, for example, the collective VAMP (Veshya Anyay Mukti Parishad) has a growing membership of over 5000 sex workers, has undoubtedly led to sex workers gaining a sense of legitimacy and capacity as political actors. Within wider sex worker collectives and within local community groups, sex workers began questioning state oppression and long-held social views that support that oppression. These relationships have lent legitimacy to the voices of sex workers, enabling what McAdam (1982) terms “cognitive liberation” — a feeling of injustice combined with a sense of efficacy to alter their circumstances. Feelings of solidarity were achieved by framing their cause as an issue of social equality and labour rights. Gooptu & Bandyopadhyay (2007) and Chowdhury (2006) argue that despite an inhospitable social and political environment, and with few material resources, local sex workers in these countries, and others in South East Asia, transformed their worldview and self-perceptions, deconstructed their social identity as “fallen women” and reinvented themselves, individually and collectively, as sex workers and “movement activists”. In so doing, they developed a vibrant culture of political activism that has gained global attention and credit.

The sex workers’ rights discourse also notably infiltrated and impacted on writings within the academic sphere, with notable studies being produced in the 1980s and 1990s. These looked beyond the narrow confines of public health, deviancy, morality and abuse, to document the everyday lives and experiences of women *working* as sex workers. Notably in this body of literature, sex work is contextualised and studied as a form of labour. Some of these seminal studies created the space for sex workers to speak for themselves, most notably the collection of writings by sex workers involved in a variety of areas of the industry (Delacoste and Alexander, 1987). A significant effort was also made by academics towards the end of the twentieth century to bridge the divide between sex work and feminism. In 1997, for example, Chapkis published the important book, *Live Sex Acts*, incorporating the writings of current and former sex workers, in an attempt to disrupt dichotomies between “good girls” and “bad girls” in a wider effort to heal the schism within feminism on the topic of commercial sex. That same year, Nagle published *Whores and Other Feminists* (1997), also based

on the writings of sex workers, situating their voices within feminist debates. For many years, feminists had argued over the meanings and effects of commercial sex, whereas this body of writing opened the space for sex workers and sex worker feminists to speak for themselves. Based on these writings, it became clear that sex workers understood themselves as legitimate workers and demanded to be treated as such (Brewis & Linstad, 2000; Chapkis, 1997; Jordan, 1991; Perkins, 1991; Pheterson, 1989).

The contemporary movement for sex workers' rights continues to be organised around a range of community-level, national and international issues affecting the lives of sex workers, ranging through: police brutality, criminalisation, raid and rescue campaigns, human rights violations, denial of access to health services, widespread stigma and discrimination and violence. Examples of sex worker groups and collectives around the world highlight the resilience and resistance of this marginalised and highly stigmatised community, united in their efforts to promote and protect sex workers' human, health and labour rights. The documentation of sex workers organising globally for sex workers' rights, alongside the extent to which this has impacted on the shifting discourse remain key gaps in the academic literature (Beer, 2011). Whilst there is a dearth of literature on the impact of mobilisation of sex workers as a social movement, studies that have been undertaken have concluded generally that, given the little impact on public opinion or law reform, the sex workers' rights movement has largely been unsuccessful (Mathieu, 2001; 2003 and Weitzer, 1991). Vanwesenbeeck (2001) argues that the social stigma of prostitution "fundamentally hampers self- organization" (2001: 277). Understandable reluctance to publicly identify as sex workers, fear of police surveillance and criminalisation, and widespread stigma and discrimination have all seemingly restricted the ability of sex workers to organise on the scale that other marginalised communities have managed to do. Sex worker collectives are said to have struggled to gain membership, maintain solidarity amongst conflicting groups of sex workers, and develop effective alliances with third parties (Gooptu & Bandyopadhyay, 2007; Wagenaar 2006; Mathieu, 2003; Outshoorn 2001; Vanwesenbeeck 2001; Weitzer, 1991; van der Poel, 1995). The concept of stigma, and its dual effects on both limiting sex workers' rights efforts, whilst arguably forming the basis of a global social movement in the first place, are explored in the following section.

Stigma & The Lasting Effects on Oppression

As highlighted in this chapter, the historical legacy of surveillance and stigmatization of sex workers precedes feminist theorizing. Yet even when feminism and prostitution have coalesced, the divergence of theories, thought and construction, appears to have done little to remedy this stigma; perhaps this is symbolic of the deep-rooted nature of both gender power relations and the specific stigmas related to female sexuality and transgressions of norms. Pheterson (1996) goes as far as to argue that;

“Whores are amongst the most oppressed of women workers; they are in fact criminalised and ostracised for selling femininity in direct sexual form” (Pheterson, 1996: 60).

Goffman (1963) defined stigma as a social attribute or mark that separates individuals from others based on socially given judgments. Stigmas deeply discredit an individual and ‘reduce the bearer from a complete and accepted person to a tainted and discounted one’ (Benoit et al., 2018). The side effects of living with stigma evidenced have included a negative self-conceptualization and identity formation, processes of social exclusion, and real and/or perceived barriers to engagement with society and social interaction due to modes deployed of secrecy, feelings of shame, or exclusion by dominant members of that society (Corrigan, Kuwabara, & O’Shaughnessy, 2009; Corrigan & Matthews, 2003; Link & Phelan, 2006; Livingston & Boyd, 2010). Stigmas sometimes have totalizing properties, so that any sign of stigmatised attributes or behaviors renders such persons wholly damaged, and becomes their “master status,” eclipsing all other characteristics to organize interpersonal interactions (Goffman, 1963).

Pheterson (1993) proffers a list of the prostitute’s offences against gendered norms of honour/dishonour from which stigma has arisen. This list includes: having sex with strangers; having sex with multiple partners; taking sexual initiative and control and possessing expertise; asking a fee for sex; being committed to satisfying men’s lusts and fantasies; being out alone on the streets at night dressed to incite or attract men’s desires; being in the company of supposedly drunk or abusive men whom they can either handle (as ‘common’ or ‘vulgar’ women) or not handle (as ‘victimized’ women). Scambler (2007) appends to Pheterson’s list of offences the notion of sex workers as “vectors of disease”,

blamed as a source of transmission of sexually transmitted infections (STI), latterly including HIV/AIDS, to blameless, respectable heterosexual families. The ‘whore stigma’ might be regarded as paradigmatic of attributions of shame, yet it is a shame and exclusion that has rarely been extended to their male clienteles (Ringdal, 2004; Roberts, 1992).

Whilst the stigma conferred on sex workers has been included as a factor in limiting the progress of the sex workers’ rights movement in shifting public perceptions and law reform, viewed within Young’s (1990) conceptualization of social movements, stigma could also be seen as a catalyst for the mobilization of sex workers globally against their oppression and injustices, faced as a result of this oppression and stigma. According to Young (1990), oppression of a social group means that, while one individual may not experience or recognise this oppression in the context of their lives, another person may be more acutely aware of it, usually in the context where other factors are at play, including power relations related to class, gender, race and sexuality, as examples. This variety of experiences does not negate the association between members of the social group, which is defined by Young (1990) as:

A collective of persons differentiated from at least one other group by cultural forms, practices, or a way of life. Members of a group have a specific affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than with those not identified with the group, or in a different way (1990: 43).

Social groups cannot be defined only by a set of attributes, but by what Young describes as “a sense of identity” (1990: 43). In respect of sex workers, the common identity that has galvanised a growing sex workers’ rights discourse appears to have grown out of a shared frustration with the misidentification of sex work as anything other than labour, and thus argued to render the work aspect of sex work invisible and increase the stigma of females who engage in it (Chapkis, 1997; Jordan, 1991; Perkins, 1991; Pheterson, 1989). Given the widespread surveillance of female sex workers throughout history (Ringdal, 1997; Bullough & Bullough, 1987), and the varying and often competing yet similarly stigmatizing labelling of them as, for example deviants, whores and victims, Young’s argument that groups form often a result of their being “othered” is applicable:

Sometimes a group comes to exist only because one group excludes and labels a category of persons, and those labelled come to understand themselves as group members only slowly, on the basis of their shared oppression (1990: 46).

Group differentiation is not in itself an indication of oppression of a social group (Young, 1990), but rather when a social group is subject to one or more of the five conditions that she names as “the five faces of oppression: exploitation, marginalization, powerlessness, cultural imperialism and violence” (1990: 5).

Oppression is a term that is rarely used in discourse or theory as coming from a sex workers’ rights perspective. This is arguably symbolic of the shift in the meaning of oppression that was evident through the New Left social movements of the 1960s and 1970s, at which time the feminist backlash against prostitution became organised and visible as the abolitionist movement. Within this abolitionist feminist paradigm, referred to by Weitzer (2010) as ‘the oppression paradigm’, sex work is considered oppressive in and of itself, and thus any injustice experienced by sex workers is reduced to this wider analysis of prostitution and patriarchal oppression, as reviewed previously in this chapter. Alternatively, however, conceptualising group oppression by moving away from dominant abolitionist views and ideologies to a focus on the deep-rooted stigma faced by sex workers sheds light on the multi-faceted ways in which sex workers as a social group experience injustice. Young’s framework of the five faces of oppression is used as a metaphorical frame to review empirical literature on the experiences of female sex workers, thus situating these experiences broadly under the axes of gender and prostitution-specific related stigma and oppression.

Exploitation

In capitalist societies, there is a belief in the legal freedom of workers, who can freely contract with employers and receive a wage, without any formal mechanisms of law to force workers to work for any specific employer (Young, 1990: 48). Exploitation is not therefore as evident as it was in pre-capitalist societies, for example during times of slavery or in feudal societies. However, Young illustrates that exploitation occurs when “some people exercise their capacities under the control, according to the purposes, and for the benefit of other people” (1990: 49). Similar to other forms of female-dominated work, including the work mostly taken on by women in the private sphere such as care,

childrearing and housekeeping, sex work is not valued as a form of labour, based on the nature of the work that can arguably be seen as an extension of women's roles in the private sphere of the patriarchal society. In the context of nursing, as another female-dominated sector for example, Hagell (1989) notes that the knowledge needed by women in the profession of nursing, "is based in part on their situation as women in a patriarchal society and in part as women involved in a gender-defined occupation – nursing, which is given very little value in society" (1989: 228). Furthermore, the over-representation of women in nursing has led some to argue that women enter the nursing field due to their natural aptitude to care for and nurture others (David, 2000). Fletcher (2006) develops this argument of nursing being seen as an extension of the assumed duties of women in a patriarchal society:

Bound in an ideology based on women's duty and not women's rights...the ideals and values that construct nursing practice are inseparable from the identification of nursing as women's work and the societal value placed on women and caring (Fletcher, 2006: 54).

Like nursing and other work that can be viewed as an extension of female roles within the patriarchal society, the roles performed by sex workers in their labour is inextricably linked in the patriarchal view of women as caretakers of their partners, including providing sexual fulfilment in the context of a loving relationship and emotional support to a partner or spouse (Pateman, 1988). With sex work seen as an extension of these roles, the value placed on providing these services within a commercial context is arguably rendered invisible. As noted by Kempadoo and Doezema (1998), the idea of the "sex worker" is inextricably linked to struggles for recognition of women's work. In this context, Young argues that exploitation is more than the traditional thinking of this process in monetary terms, but rather a process of oppression that creates a structural positioning of a social group tied to "social rules about what work is, who does what for whom, how work is compensated, and the social process by which the results of work are appropriated operate to enact relations of power and inequality" (Young, 1990: 50). David Alexander (1987, in Young, 1990) furthers this argument in the context of gender:

Typically, feminine jobs involve gender-based tasks requiring sexual labor, nurturing, caring for others' bodies, or smoothing over workplace tensions. In these ways women's energies are expended in jobs that enhance the

status of, or please, or comfort others, usually men; and these gender-based labours of waitresses, clerical workers, nurses, and other caretakers often go unnoticed and undercompensated (David Alexander, 1987: 51, in Young, 1990).

Whilst the legacy of criminalisation of sex work, amongst many other factors, undoubtedly contributes to the non-recognition and non-value placed upon the labour undertaken by female sex workers, viewing sex work through a lens of “women’s work”, within a patriarchal society, allows for an analysis of injustice that goes beyond the legal structures, and visits a wide array of societal norms, processes and structures that can contribute to the positioning of a social group of workers as oppressed through exploitation. Sex workers work in an industry that is female dominated and carry out labour that is often seen as an extension of female roles, including sexual, caring and emotional labour-related services and tasks (Sanders, 2004b; Chapkis, 1997).

Marginalisation

Young’s concept of marginalisation highlights that this form of oppression is perhaps one of the most dangerous; “a whole category of people is expelled from useful participation in social life and thus potentially subjected to severe material deprivation” (1990: 53). Young takes her analysis into the context of the advanced capitalist society and notes two consequential forms of injustice that can result from marginalisation. The first category is identified as the injustice produced by dependency, and Young uses the example of those who are reliant on the provision of welfare. Young argues that in liberal societies, welfare recipients (a measure brought in to counteract the marginalisation associated with material inequality) face a new form of marginalisation, in that they are denied equal citizenship rights (1990: 54). This denial of citizenship rights is seen as a condition that warrants the suspension of basic rights to privacy, respect, and individual choice (Ibid.). Examples of groups that will experience this condition are given as the elderly, children, those who cannot work due to disability, women on maternity leave, and others who are dependent on welfare by the state or others.

The relationship between real, or perceived, dependency is important in the context of the female sex worker. When a victim model is applied to those involved in sex work, a notion of their dependency is fostered, which has been

widely criticised for removing the agency of sex workers, and thus negating their rights to privacy and dignity (Bennachie and Marie, 2011; Morgan Thomas, 2009; Kinnell, 2008; Weitzer, 2007; Brooks-Gordon, 2006; Weitzer, 2005a; Sullivan, 2004; Maher, 2000; O'Connell Davidson, 1998; Queen, 1997). Some feminists have argued alternatively that dependency should be viewed as a basic human condition, and justice in this sense would mean facilitating full inclusion and participation of those who are "dependent" in decision-making (Friedman, 1985; Gilligan, 1982). Yet as such, Young argues that the second tenet of marginalisation is the social structures and processes that are not conducive to inclusion or participation of dependent groups in decision-making processes. Even where sex workers are not "dependent", for example they work independently, are not reliant on welfare and can be considered to be financially comfortable, the type of work that they have engaged in means that they continue to be excluded from spaces to challenge their non-recognition, usually as a result of their victimisation and/or criminalisation within law and policy structures. Thus, as Young notes, "marginalisation also involves the deprivation of cultural, practical and institutionalized conditions for exercising capacities in a context of recognition and interaction." (1990: 55). Where this access to exercise capacity is blocked due to non- recognition of agency, stigma, or exclusion, the participation of those who are negatively portrayed as dependents cannot usually be rectified by changing the public imagination. Furthermore, because social processes and structures are so deeply embedded that participation and inclusion can only take place in certain traditional spaces, from which some groups, perhaps as a consequence of their oppression, face traditional exclusion, there is a further association with dependency.

Powerlessness

Young (1990) describes powerlessness as displaying several injustices: an inability to develop one's own capacities to their fullest, a lack of decision-making power in one's work life, and being exposed to disrespectful treatment because of the status a person occupies. Furthermore, Young (Ibid.) identifies decision-making capabilities as a sign of power; however, she does note that in advanced capitalist societies, direct participation in public policy decisions is rare, with widely dispersed powers of many agents being apparent in mediating the decisions of others. To this extent, Young argues that many people have some

power in relation to others, even though they lack the power to decide policies directly. The powerless therefore are:

Those who lack the power even in this mediated sense, those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them (Young, 1990: 56).

Sex workers, traditionally seen to be involved in precarious work or not involved in “work” at all, are not seen in dominant policy narratives as professional agents, and therefore do not tend to have power in decisions made about their lives.

Whilst sex workers have been evidenced to achieve collective bargaining power and voice in decisions about policy that affects them (van der Poel 1995; Pheterson 1989), the criminality and stigma associated with sex work has limited the influence even this collective power bargaining has had in changing public opinion and impacting law reform (Mathieu, 2003; 2001 and Weitzer, 1991).

Link and Phelan (2014) used the term ‘stigma power’ to describe the resources others draw on to keep the stigmatised down, in, or away. The authors noted that “stigma is entirely dependent on social, economic, and political power, it takes power to stigmatise” (Link & Phelan, 2001: 375). The concept of stigma power shifts conventional understandings of stigma as an individual psychological process toward a more complex conceptualization of stigma as a set of internal and external social processes, affecting “multiple domains of people’s lives” (Link & Phelan, 2001: 363). Recognizing stigmas beyond the personal level, in other words, as a “personal tragedy” or form of individual “deviance” allows for exposure of the powerful structural mechanisms of social control underlying cultural norms of shame and blame, and is vital to understanding how they play out in the daily lives of those who are stigmatised (Scambler, 2009).

The socio-economic disadvantages experienced by sex workers have been argued to foster processes of social exclusion, marginalisation, and thus powerlessness (Scoular, 2004; Campbell and Kinnell, 2001; O’Connell-Davidson, 1998). When viewed through a lens of social exclusion, which extends beyond economic disadvantage to encompass associational exclusion including psychic and social alienation (O’Neill, 2001), sex workers are evidently rendered more powerless in their capacity to engage in decision-making. The injustices associated with

powerlessness are argued, by Young, to extend beyond a lack of decision-making power, and include exposure to disrespectful treatment because of the status one occupies (Young, 1990: 58).

Cultural Imperialism

Cultural imperialism is a process of “othering”, by a dominant group over an oppressed group. Young (1990) defines cultural imperialism as the process of a dominant group’s norms and culture becoming defined as the norm. Young notes that cultural imperialism entails a “paradoxical oppression” whereby groups become associated with a stereotype but yet continue to be rendered invisible: “the culturally imperialized are stamped with an essence. The stereotypes confine them to a nature which is often attached in some way to their bodies, and which thus cannot easily be denied” (1990: 59). As highlighted in the review of the social construction of the female sex worker previously in this chapter, the female sex worker has become widely categorised as the “other” in relation to the virginal or married woman, based on the use of her body in the provision of labour. As noted by Sanders et al. (2009), the “prostitute”, or the “whore”, is contrasted to the female mirror image of the “Madonna”, which portrays the image of pure femininity, as exuding sacredness and holiness (2009: 2). This binary process renders the female prostitute/whore as a failed example of womanhood, defined by immorality, deviancy and sinful sexuality (Pheterson, 1993). Bell (1994) argues that this dichotomy has actively produced a framework within which we come to understand the sameness/difference opposition with derivative couples becoming increasingly adopted inside the category of woman: good/bad, Madonna/whore, normal/deviant, wife/prostitute (Bell, 1994). In these couplings, the second category represents that which is absent from the primary category, leaving those who fall into the latter as mapped, marked and defined by the negative traits that those in the primary category wish to reject, and therefore map onto the “other”. Sex workers are considered to behave in ways that are far beyond patriarchal norms of female sexual behaviour, and as such they are seen as the “bad girls” of the sisterhood (Sanders, 2004a; Barnard, 1993). Becker (1963) states that those who transgress prescribed social norms may then be considered “deviant” by those who conform to and support the particular set of norms in question. By selling femininity (Pheterson, 1996), sex workers defy the patriarchal expectation of women’s sexual passivity and are accordingly considered deviant,

one of the many constructions of female sex workers that serve in this process of “othering”, and expose sex workers to the oppressive face of cultural imperialism.

Violence

Young notes the final dimension to her “five faces of oppression” as “violence” (1990: 62). Violence, as a face of oppression, is seen by Young, not as isolated incidents of violence but as systemic in nature because “it is directed at members of a group simply because they are members of that group” (Ibid.). Young further explains that violence gains legitimacy when it is tolerated and unchallenged, and when those who perpetrate the violence are only lightly reprimanded, if at all. Those who experience stigma have also been subjected to a range of penalizing actions, from shunning and avoidance to restraint, physical abuse, and assault (Scambler & Hopkins, 1986). Kinnel (2008) notes that female sex workers, as a result of these subjections of stigma, are commonly viewed as “social outcasts who deserve public humiliation” (2008: 90). For O’Connell Davidson (1998) stigma is a direct factor in heightening the risk of violence for sex workers:

There is no ideology which identifies plumbers, for example, as social outcasts and so a legitimate focus for hostility, violence – even murder. No matter how displeased customers may be with the service provided and the prices charged, they are not going to feel that punching the plumber in the face is justifiable simply on the grounds that he or she is a ‘dirty plumber’ (O’Connell Davidson, 1998: 64).

By comparing the risk of violence faced by sex workers to other workers that similarly spend time alone with customers, O’Connell Davidson makes the case that stigma and stereotypes fuel violence; for example, there is no common branding of plumbers as “dirty plumbers” unlike the common stigma associated with sex workers as “dirty whores”. It is this branding, rooted in a popular conservative moral ideology that perpetuates hostility towards female sex workers and acts as a common justification for violence perpetrated against them (1998: 64). In the context of victimisation, sexual minorities, according to Richardson and May (1999), are often considered deserving victims, especially if they bring private and taboo behaviour into the public sphere. In relation to this, Malloch (2004) notes that:

Certain victims are viewed as possessing some level of behavioural responsibility and are expected to employ a range of avoidance strategies to

minimise the risk of violence they may be subject to. Behaviour which is deemed 'problematic' (sex work, gay sex, intravenous drug use) subsequently denies those who participate the status of the 'innocent victim' (2004: 113).

Sex workers who engage in the solicitation of sexual services are therefore widely considered to engage in problematic sexual and immoral behaviour that often warrants them as deserving victims in that they incite male violence (Pheterson, 1987: 225). In relation to this, Levi-Minzi and Shields (2007) argue that, "most people believe that prostitutes deserve the crimes that are perpetrated against them and that it does not matter when a prostitute is hurt or killed; they are invisible, a facet of society that is not afforded the same basic rights granted to all people" (2007: 77). Furthermore, violence against sex workers is often carried out with impunity as sex workers are unlikely to report violence perpetrated against them to the police. This is a consequence of previous adverse experiences, such as being harassed by the police at work, or because they believe the police will not believe or will blame them (Harris et al., 2011; Abel, 2010; Dalla, Xia & Kennedy, 2003; Downe, 1999; Silbert, 1981; Delacoste & Alexander, 1988).

Young (1990) asserted that a group only has to fit the criteria for one of her five faces of oppression in order to be considered oppressed as a social group; yet as highlighted, female sex workers face a multitude of injustices as a result of deep-rooted stigma towards them (Kinnell, 2008; Pheterson, 1996; Bell, 1994). This exploration of the injustices faced by sex workers, read through a frame of oppression, highlights that whilst individual perceptions and experiences are likely to vary, female sex workers, by association with sex work and the various intersecting stigmas this carries, are likely to be exposed to the faces of oppression highlighted by Young to some extent (1990). Through theorising the experiences of female sex workers, as documented in the literature through a feminist analysis of women's work, noting relational aspects of stigma, power and oppression, a framework of understanding can be developed that allows for reflection on heterogeneous experiences of female sex workers, whilst situating these experiences within the broad recognition that historical and present-day stigma towards female sex workers has led to an overall oppression of this group of women, based on the work they engage in, and the long history of stigmatised identity associated with their work.

Conclusions

In taking a discursive approach to the theorising of sex work, this chapter has outlined a brief historical analysis of sex work, noting the shifts in public discourse and imagination of female sex workers throughout significant societal periods. Through examining sex work in this way, a sense of the political currency of terminology is appreciated in that the way in which the female sex worker is understood is very much a product of the long history of the public discourses and anxieties that surround sex work. Reflecting on stigma as a concept, and how it specifically can be applied to female sex workers, allows for the experiences of sex workers of injustice to be read through a theoretical framework of group oppression, as asserted by Young (1990). This framework notes the interplay of various structures and processes of power that are arguably at play in the lives of female sex workers, and women more generally. Extending from the Introductory Chapter, this chapter has gone further in examining the historical, social and political meanings attached to sex work. The proceeding chapter moves to critically explore and analyse how these meanings affect the practices of governance in this area, before detailing the methodological approach taken to inquiring into the implications of the governance approach taken in the comparative settings on the lives and experiences of female sex workers in Scotland and New Zealand.

Chapter Three - Literature Review Part II | Sex Work Laws, Policies & Social Justice

Introduction

Following Part I of the Literature Review, which explored the dominant theories, debates, terminologies and discourse in relation to sex work, and reflected on the influence and origins of current feminist discourse on sex work, Part II of the Literature Review, moves to explore the wider governance of sex work, most concretely through legal frameworks and public policies. These chapters are not mutually exclusive in that the current regulation of sex work through laws, policies and social processes and structures is inextricably linked to and influenced by dominant discursive practices and thought. In following the critical feminist lens of inquiry in this study, the review of common frameworks of sex work governance is underpinned by Fraser's (2010) theory of a 'politics of representation'. This theory urges investigation when dealing with governance techniques with 'what' is said, 'who' has the power and conviction to say it, and 'how' it becomes knowledge (McGarry and FitzGerald, 2018). On a basic level, how we "know" sex workers matters for how we govern them and posits that even within seemingly democratic policy-making processes, public policy and legal frameworks are both an instrument and an effect of power. Moreover, knowledge-production and knowledge claims arguably become truth when engaged with, and delivered by, those with professional hierarchy and discursive authority. This framework of "reading" the common modes of regulation, and their sometimes implicit intentions of governance of sex work, is deployed throughout this chapter, and most importantly in the comparative critical analysis of legal and policy contexts operating in Scotland and New Zealand. The chapter concludes with reflection on the holistic concept of justice that is used as an analytical framework in this study to draw comparative findings in line with the overarching research aim to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice.

Regulating sex work & the governance of commercial sex

Whilst the laws surrounding sex work provide the framework in which the commercial sex industry is organised, of importance in this discussion is the wider

context of commercial sex governance, which extends to the legal, policy and state enforcement trends evident in the regulation of sex work. These structures are the conditions in which female sex workers work and navigate their lives, and they must be viewed as a holistic, intersecting, and relative force of power in order to develop a critical understanding of the legal and policy frameworks on sex work that go beyond a descriptive account of the laws in place. Sex work is evidently a paradigmatic case that offers a site for analysis of the role of competing discourses. Each discourse enables and constrains the ways in which the “problem” may be represented by policy actors and, therefore, shifts the overall legislative, policy and enforcement approach taken. This is evident from the lack of homogeneity in regulatory models adopted internationally and further in the different approaches taken to implement those legal frameworks already in place. Before examining the case for a comparative study between Scotland and New Zealand, the proceeding discussion critically examines the global moves and practices in the regulation of sex work through an analysis of the recent international legal, policy, and enforcement trends that are apparent in the literature.

The governance of sex work through law and policy has been the subject of much historical contention, resulting in a variety of regulatory models. The literature identifies three broad legal approaches to sex work as criminalisation, legalisation, and decriminalisation (Harcourt et al., 2005). Evaluations of these legal frameworks and regulations have been carried out extensively (Murray, 2014; Ditmore, 2011). Noted is the extent to which the various models achieve their stated aims in relation to prostitution, and the impact on sex workers’ lived realities, working in conditions determined by those legal frameworks. As a full analysis of the impact of laws on the lives of sex workers around the world is beyond the scope of this thesis, this section aims to synthesise the literature in this area by critically examining the dominant legal and policy discourses on sex work that inform the common regulatory frameworks reflecting on a number of country-specific examples. By taking this approach, an overview of the regulatory models is developed that explores, in a more in-depth approach, the link between the theoretical understanding of the nature and associated “problem” in relation to sex work, with the subsequent foci of policy and legal models that have been developed in response to the “problem”. To contextualise this discussion,

empirical research on enforcement strategies and the impact of common legal frameworks and policy that focus on the lives of sex workers will be reflected upon throughout.

In critically reviewing the legal and policy frameworks that have emerged globally in response to sex work and associated theoretical debates, four key policy foci become apparent. These are: criminalisation to protect public space, reduce public nuisance and regulate sex work (Control); criminalisation to abolish prostitution and trafficking (both seen as part of a continuum of violence against women) (Abolish); legalisation of prostitution to regulate the sex industry, which includes mitigating the impact on public health (Regulation); and decriminalisation to ensure the labour, health and human rights of sex workers are upheld as part of a harm-reduction approach (Safeguard). These four areas of policy focus are not mutually exclusive, and some legal and policy frameworks may focus on more than one of these areas, at times producing a contradictory approach to the overall regulation of sex work. Furthermore, as the empirical literature highlights (Levy and Jakobsson, 2013), whilst a state regulatory approach to sex work may claim to be acting in line with one of these policy imperatives, the reality of sex workers' experiences and accounts of their engagement within certain legal frameworks and policy models has often dispelled that claim. Instead, sex workers' experiences give way to the argument that the rhetoric in policy not only sometimes fails to translate to the lives of individuals but it also, in some cases, proves detrimental to certain aspects of their lives (Ibid.)

Criminalisation

Criminalisation is the most prominent of the regulatory models internationally. It is a framework that creates certain prohibitions on prostitution in its broadest sense. However, these prohibitions vary depending on the discourse that informs the legislation. The criminal law can be used to manage, control, repress, prohibit, or otherwise influence the social organisation of prostitution (Phoenix, 1999). The discourse underpinning this model of intervention is one that primarily concerns prostitution as a criminal justice issue. In reality, very few countries strictly adhere to the full criminalisation of prostitution, with the exception of parts of the USA, the Middle East and some parts of Europe, such as Romania, where the

selling of sex and all associated activities are outlawed. It is more common for jurisdictions that sit within this model of criminalisation to deploy criminal law to manage, contain, repress, or prohibit specific prostitution-related activities. Criminal laws specific to sex work often not only criminalise sex workers but also clients, third parties, families, partners and friends (Ditmore, 2011). Laws that specifically target sex workers include provisions making it illegal to solicit, advertise, sell sexual services (indoors and/or outdoors) or to work collectively with other sex workers (Ibid). Clients are criminalised by laws that make it illegal to solicit (for example, through kerb-crawling legislation) or to purchase sex (Gangoli and Westmarland, 2006). Laws related to owning, managing, or being found in a brothel; living off the earnings of a sex worker; assisting a sex worker in migrating or moving across borders with the intention of selling sexual services potentially all criminalise third parties, families, partners, and friends. These laws are also used to forcibly detain sex workers under the pretext of “rescue and rehabilitation” in the context of trafficking for the purposes of sexual exploitation (Bernstein, 2010; Agustin, 2007). Criminalisation frameworks are influenced by the aims of the legislation introduced to criminalise prostitution. The dominant discourse underpinning this legal approach and the two most common foci are explored more in depth below.

Criminalisation: to control

A common argument within the literature is that often criminal and other laws (administrative and municipal offences, for example) are used as part of a wider strategy to eliminate prostitution in its most visible sense from public space (Prior and Hubbard, 2012; Sanders, 2009; Hubbard, 2004). The criminalisation approach penalises street-based sex workers, who are most visible in carrying out their work, (Sanders, 2009) and sex workers who work in licensed brothels (Prior and Hubbard, 2012). Criminalisation has been used in various jurisdictions as a state mechanism to stamp out prostitution from society, or at least the visible aspects and associated public nuisance of prostitution. Street sex work is often classified in this context, alongside other behaviours such as begging and loitering, as profoundly anti-social (Ibid.). This view of sex work is largely underpinned by the common stereotype that sex work and forms of criminality are unequivocally linked. Despite research that suggests the association between sex work, drugs and other forms of criminality is by no means universal, and often non-existent

(Sanders et al., 2009), this does not prevent the media perpetuating this stereotype by representing prostitution alongside multiple forms of criminality and associated risk. This perpetuates myths which have led to policy and legal sanctions against sex workers that focus on the implementation of exclusionary measures at the local level, which is an approach that also informs the policing of sex work (Hubbard, 2004).

Scholars have traced the legal instruments employed by state agents who monitor public sites as spaces of potential deviance, and these theories have been extended to the regulation of sex work (Prior and Hubbard, 2012). There is an evident dominance of criminalisation frameworks that seek to regulate and control sex workers, and ultimately discourage them from encroaching into public space with legal sanction. The structuring of public space has increasingly become marked by “a territorial division between the excluded and the included, between the spaces of consumption and civility and the savage spaces on the margins”, and thus the public display of selling sex has become viewed as “out of place” (Sanders, 2009: 523). Street prostitution, for example, has generally been tolerated only when it occurs in areas where it attracts little opposition from residents or businesses, with soliciting and kerb-crawling laws invoked when it intrudes into more “respectable” spaces.

Moreover, property development interests, given their lucrative benefits for local governments, have often led to a displacement of street sex work. For instance, O’Neill et al. (2008) have explored how the unofficial tolerance zone that was in operation in Edinburgh, Scotland was closed down to allow for new residential development. Despite the obvious economic reasons for this displacement of sex workers, the closing down of the tolerance zone was heralded as an effort to make the city safer and protect residential areas from the associated nuisance and harms of prostitution (The Scotsman, 2005). In documenting state attempts to remove sex work from public spaces in London and Paris, Hubbard (2004) argues that public order legislation, which serves to criminalise specific groups rather than particular offences, is increasingly being used against female sex workers, who are being identified as a threat to national values. Although French and British laws surrounding prostitution hold differences, Hubbard (Ibid.) argues that a common approach is apparent that seeks to suppress the sex industry in the

attempt to protect the public and sex workers. This approach, the author argues, has been driven forward by rhetoric of “zero tolerance”, which has its origins in the United States (Body-Gendrot, 2002). It has led to an acceptance of a discourse that espouses sex work as inherently linked with other forms of criminality, and “cements the idea that prostitution is a genuine threat to the quality of urban life (and is thus unacceptable in the 21st-century metropolis)” (Hubbard, 2004, p. 1695). A significant shift in this drift towards zero tolerance for sex work in public space has been a discourse of gendered exploitation that posits the (female) sex worker as not merely anti-social, but responsible for putting herself at risk (Sanders et al., 2009). Conversely, in dominant representations of street work, the client is assumed male and depicted as a sexual threat (Matthews, 2008). The increase in laws against ‘the kerb-crawler’ is testament to this – for example, in England and Wales, the 2001 Criminal Justice & Police Act made kerb-crawling an offence, with the Criminal Justice Act 2003 allowing for on the spot fines, driving licence revocation, and high profile “naming and shaming” (The Guardian, 2000).

The policy objectives of protecting the public *and* sex workers through this type of criminalisation is thrown into question where sex workers are being actively excluded from public space and displaced into other areas. This process of spatial exclusion has been identified as a common strategy used on marginalised groups. Sibley (1995), for example, argues that geographical strategies of exclusion are essentially concerned with the maintenance of social and spatial boundaries, with the exclusion of the “disordered other” being an attempt to physically and psychologically remove individuals labelled as different, deviant or dirty. Sibley further notes that exclusion is bolstered towards certain groups in the context of “moral panics” that have been seen to scapegoat certain groups and/or communities through both spatial and social orders. These panics, according to Sibley, are characterised by the identification of a threat to national values, and often entail a rapid onslaught of media coverage that further demonises the threat. Lowman (2000) developed the idea of a “discourse of disposal” in relation to criminalisation and related regulation of sex work in Canada, where the focus, he argued, was on clearing the public space of sex workers and others involved in the commercial sex scene. Through an analysis of media reports on efforts to rid neighbourhoods of street prostitution in several cities in Canada, Lowman (Ibid.) argues that a “discourse of disposal” has come to exacerbate violence experienced

by street-based sex workers. This discourse, Lowman (Ibid.) argues:

has formed an important part of the ideological context in which male violence against women is played out. A woman working the street is particularly vulnerable to predatory misogynist violence, and all the more so in a milieu in which she runs the risk of criminal prosecution... where he may use violence because he knows she is unlikely to report him to the police... Alienated from the protective service potential of the police, the prostitute is also an obvious mark for robbery... these conditions appear to have perpetuated and amplified violence against women involved in prostitution. (Lowman, 2000; p. 1004)

Drawing on Lowman's discourse, researchers have found similar effects of criminalisation that is driven by the focus on regulating sex workers' use of public space in England and Wales. The legislative framework in England and Wales has been identified as compounding the vulnerability of sex workers to violence (Kinnell, 2008), risking individual and public health (Cusick and Berney, 2005); and distancing individuals from support services, such as drug harm reduction services (Pitcher et al., 2006). Kinnell (2006) argues that the law in England and Wales, and how it has been enforced, is directly linked to and shapes violence experienced by sex workers. Elsewhere, Sanders and Campbell (2007) have argued that it is largely the ways in which sex work is managed, by the state, which affect the levels of safety and protection sex workers are afforded, rather than just the written sex work laws. At present, many Global North countries adopt this type of quasi- criminalisation system, where the sale of sex is left to a combination of market forces, selective enforcement of the criminal code prostitution statutes and a crude system of municipal regulation of escort services, body rub and massage parlours.

This is in contrast to the more visible aspect of sex work that is being increasingly policed using a "zero tolerance" approach. Lowman (2000) argues that the detrimental effects of this type of quasi-criminalisation framework are borne most acutely by women, at the lower priced tier of the street sex work trade, who do not have the resources needed to control a private space to conduct their work.

Criminalisation: to Abolish

The abolitionist theory of prostitution as gender-based violence has gained

widespread political traction in recent years, particularly throughout Europe. Within this discourse, prostitution is seen as a form of violence against women that sits on a continuum that includes the phenomenon of trafficking of women and girls. Thus, an outright “End Demand” criminalisation strategy is asserted as the best policy to abolish prostitution and trafficking. Sweden was the first state globally to legislate according to this abolitionist call, criminalising the purchase of sex, and publically constructing demand for commercial sex as a form of gender- based violence that conflicts with a societal aspiration towards wider gender equality. Whilst trafficking was not at the forefront of the debate, since the sex purchase law’s introduction in 1998, it has been heralded as a measure that addresses both prostitution and human trafficking, with the two issues conflated in mainstream Swedish discourse (Hubbard et al., 2007a, b) and internationally. The influence of the Swedish approach to prostitution and trafficking internationally has been significant, with other states implementing the legal framework including Norway, Iceland, and South Korea, while the UK, France, and several other countries are contemplating and proposing adoption of the law.

The conflation of prostitution with trafficking of women has its roots in the prohibitionist interpretation of prostitution as an institution established on, and sustained by, the subordination of women by men. In this context, prostitution is equated with rape, violence, and sexual exploitation (Ricci et al., 2012; Waltman, 2011; Audet, 2008; Poulin, 2004; Raphael and Shapiro, 2004, 2005; Farley et al., 2004; Raymond 2003, 2004; Farley, 2003, 2004, 2005; Jeffreys, 1997, 2008, 2009; Wynter, 1998; MacKinnon, 1985; Barry, 1979, 1995; Dworkin, 1979, 1993). Prostitution from this perspective is problematised as a form of structural violence in which violence and exploitation are invariably and immutably enacted. Not only sex work but sex workers themselves, within this discourse, are generalised, pathologised, and infantilised as traumatised survivors of abuse and violence, experienced both during and as an antecedent to sex work (Farley, 2004; Jeffreys, 1997; O’Connor, 2006; Raymond, 1998). From this point, it follows that it would be fallacious to purport any distinction between forced and voluntary prostitution (Farley, 2004; Jeffreys, 1997; Raymond, 1998). This negation of any distinction between freely chosen and forced prostitution leads abolitionist commentators to further implode any distinction between trafficking and voluntary migration where the aim is to engage in sex work. By this reasoning, all prostitution is, by definition, non-consensual, and all sex work migration is human

trafficking. Prostitution, as structural gendered violence, is believed to underpin all of these phenomena. Men's demand for commercial sex is considered the main driver for the demand for trafficking (Raymond 2004), and thus it is argued, the sex industry at large should be engaged with when confronting trafficking for sexual purposes (Farley, 2006; Saunders, 2005; Raymond, 2004). Resultantly, abolitionists continue to link and conflate prostitution and human trafficking in anti-trafficking and anti-sex work campaigns, and advocate for the outright criminalisation of the demand for commercial sexual services on that basis.

As the first country to criminalise the purchase of sex, Sweden has been at the forefront of researcher, activist, and media attention as to the effects of what is now broadly termed the "Nordic Model". Whilst the model of criminalising demand is held up widely as best practice in eradicating prostitution and challenging trafficking, evaluations of the legal framework's effectiveness, in both areas, have been contentious. On the one hand, some evaluations have emphasised that the success of this approach is reflected in decreased levels of prostitution and trafficking (Farley, 2006; Raymond, 2004). Conversely, those evaluations that focused on the experiences of sex workers in Sweden following the implementation of the sex purchase law have noted an exacerbation of harms experienced by sex workers. These evaluations report that sex workers have been rendered more stigmatised, marginalised, and isolated given the greater imperative for sex workers to work discreetly (Levy, 2012; Hubbard et al., 2007a, b; Kulick, 2005). The harm of the legislation upon the lives of sex workers has been evidenced to include, for example: greater police surveillance of sex workers, including invasive searches and high levels of harassment in their homes and workplace by the police, in their efforts to target clients; high numbers of migrant sex workers being arrested and subsequently deported; increased risk of violence to sex workers who avoid police surveillance of clients by working in less public/visible spaces; and the decreased likelihood of reporting violence to the police where sex workers fear this would lead to harassment by the police and other state authorities. There is also a worrying trend whereby increased competition amongst sex workers to compensate for fewer clients has reportedly led to a rise in unsafe working practices. Sex workers also report not carrying condoms when working from the street as these can be used as evidence of sex work to prosecute clients (Levy and Jakobbson, 2014). These two effects of the sex purchase law - decreasing the levels of prostitution and trafficking, and

simultaneously creating and exacerbating a harmful environment within which sex workers operate - are not necessarily contradictory or incompatible with the aims of the Nordic Model, which ultimately seeks to fundamentally abolish the sex industry at large. Of note are the conclusions from the Swedish governmental evaluation of the law (Ostergren and Dodillet, 2011) which was mandated to make recommendations on how the law could be applied more effectively, and not to criticise the law itself. The evaluation noted that sex workers felt more persecuted and stressed in the context of their work. In spite of this, the report went on to state that, where sex workers may find life more difficult, this should be viewed in a *positive* light, since it will serve to encourage people to leave the sex industry (Levy, 2014, author's emphasis).

Some research points to the selective nature of the Swedish approach whereby what is viewed and prosecuted as sex purchase has been circumstantial in Sweden (Levy and Jakobsson, 2013). For example, heavier policing of street-based sex work has been evidenced (Danna, 2012; Kulick, 2003). This has led critics to argue that the ideological underpinning of the law is to address gender-based violence more rhetorically, while law enforcement is primarily concerned with reducing visible prostitution. It is an argument that is reminiscent of the criminalisation agenda that seeks to displace sex work to cleanse and moralise public space (Levy, 2011; Hubbard, 2006). Levy and Jakobsson (2013) argue that by examining the Nordic Model of sex purchase criminalisation, which is rooted in the radical feminist analysis of prostitution and trafficking, the ulterior motives for "such enthusiastic promotion, adoption, and mainstreaming of radical feminist constructions of prostitution and trafficking are thrown into light" (2013: 336). Norway criminalised the purchase of sex in the context of a sharp rise in the number of migrant Nigerian sex workers selling sex predominately from the street. The sex purchase law was implemented to disrupt demand and destabilise the prostitution market (Levy, 2012). Within the context of a radical feminist understanding of migrant sex work, all migrant sex workers should be understood as victims of trafficking. Yet, they are simultaneously understood, and viewed, as a public nuisance problem that needs to be addressed in the Norwegian context. Reflecting arguments made by Doezema, "the innocent victim and the destructive whore are the central figures in both popular perceptions of trafficking and in policy response" (Doezema 2010: 50). Justifications for Sweden's and

Norway's sex purchase laws were dissimilar, the former concerned with issues of gender inequality, the latter with trafficking and migration, yet both heralded a concern around sexual exploitation in prostitution and trafficking alike. In spite of divergent justifications, the laws' selective and targeted applications have been markedly similar. Norway emulates Sweden by having seen Swedish legislation used as a means with which to displace public prostitution. It follows therefore, that constructions of sex workers as passive victims lacking agency and self-determination are, it would seem, not mutually exclusive from a construction of them as an immoral and deviant nuisance under this type of legal approach to the regulation of sex work (Levy, 2014).

Criminalisation as a broad model of regulating the sex industry can, and evidently does, take varying forms. Although criminalisation models will share a common view of prostitution as a criminal justice issue, the targeting of criminal sanctions will shed light on the ideology behind the legislative approach, confirming the importance of discourse in subsequent policy and legislation. By looking more involvedly at the impact of the legal and policy framework, and the discourse promoted by it on the lived experiences of sex workers, it becomes clear that state sanction around prostitution continues to directly impact on sex workers' experiences in that context. Two further broad regulatory frameworks will now be examined, including legalisation for regulation and decriminalisation to safeguard.

Legalisation for Regulation

A framework for regulating sex work, where prostitution is legalised, typically removes the acts of selling and purchasing sexual services from the criminal sphere and associated criminal sanction. Countries that have legalised sex work most often confer contractual rights to workers, whilst continuing to regulate the broader sex industry through a range of civic, administrative and, in some cases, criminal offences tied to activities related to the sex industry that remain illegal. This model of regulation has the objective of creating regulated, monitored working environments for those involved, sometimes as a means of promoting the labour rights of workers, but often expressed more as a desire to limit the dangers and harms associated with sex work, including public nuisance and public health concerns for sex workers and the wider population. Significantly, even in jurisdictions that adopt a legalisation approach, sex work is still viewed as a type

of employment that requires a special regulatory regime, such as licensing, compulsory health checks, and conditions on where and when a prostitution transaction can be carried out.

In Austria, for example, sex work is deemed legal, yet a repressive system of regulations governs the wider sex industry and sex workers alike. Seen as an industry that is problematic yet inevitable, sex work in Austria is perceived through the varying and often contradictory perspectives of illegal immigration, morality, public order, trafficking, and “public health”, as exemplified by the regulations and restrictions in place. These regulations put sex workers under strict police control, subject to manifold obligations (the Administrative Penal Act, AIDS Law, Alien Police Law, Civil Code, Immigration Police Law, Income Tax Law, National Insurance Act, Penal Code, or Venereal Diseases Act), but without effective protection of their rights. Sex workers are required to register as prostitutes with the local authorities (police department or municipal authority, depending on the province). Registration is based on the Health Checks Directive under the Venereal Diseases Act. As part of the registration, sex workers are obliged to attend weekly mandatory inspections for STIs, quarterly mandatory tests for HIV, and to carry a special document (control card) with them that confirms these checks have been carried out. In the case of an infection being detected, authorities confiscate the control card until about three weeks after the completion of treatment. Sex workers’ rights organisations in Austria have criticised the legalisation framework for failing to protect, respect and fulfill the rights of sex workers, and for violating the rights of sex workers through the use of forced and compulsory health checks, and allowing other discriminatory practices to be systematically perpetrated against sex workers, including migrant sex workers and victims of trafficking. Whilst sex workers in Austria are required to pay social insurance, they do not enjoy the full protection of labour law, and only partially of social law (Sex Worker Forum of Vienna, 2013).

Similarly, in Germany sex workers are taxed at a higher rate than other workers, and local municipalities reserve the right to prohibit prostitution in certain areas (Czarnecki et al., 2014). Another example is the Netherlands, where although a system of legalisation is enforced, sex workers are required to register with a licensing authority and undergo compulsory health checks (Outshoorn, 2012). It becomes clear, therefore, that prostitution, even when legalised, does not hold the

same status as other occupations, and remains subject to special provisions. It has been suggested that the model of legalisation in regard to prostitution is, therefore, perhaps a more symbolic approach rather than having any actual impact on a practical level (Phoenix, 2009). Thus, in an effort to put across the message that sex work is work like any other occupation, the implementation of special measures that usually complement legalisation serves to increase the distinction between sex workers and workers - particularly in jurisdictions that require sex workers to formally register and undergo compulsory health checks (Hubbard, 1999).

Decriminalisation to Safeguard

The final broad legal approach to sex work regulation is one of decriminalisation. Decriminalisation generally differs from legalisation in that whilst it involves the removal of criminal justice laws prohibiting prostitution or prostitution-related activities, and any prostitution-related civil regulations, sex work is not subject to special provisions in law and policy, criminal or otherwise. Therefore, alongside a repeal of the laws around sex work, there is a clear position put forward that adult, consenting sex work is employment, and should be regulated like any other contractual employment. This model of intervention is underpinned and driven forward by the assumption that the stigma attached to involvement in sex work will decrease and eventually cease if it is not treated as though it requires special criminal justice or civil regulations. Decriminalisation, therefore, puts forward a clear message that prostitution should be removed from discussions about morality or legality and, instead, takes its place alongside any other profession that is regulated by existing employment legislation and Health and Safety provisions. This model of intervention has traditionally been advocated from a harm minimisation model - in which the health and safety of sex workers, their clients, and the public are the key concern (Abel, 2014).

Very few countries have adopted a full decriminalisation model, with some opting for a tier of legalisation and decriminalisation. For example, New South Wales, Australia has decriminalised sex work but some aspects remain subject to state regulation; for example, restrictions are in place as to where sex work can take place, both in relation to brothels and street-based sex work. New Zealand, however, in 2003, passed the Prostitution Reform Act (PRA), which principally aimed to safeguard the human rights of sex workers; protect sex workers from

exploitation; promote the welfare and occupational safety and health of sex workers; create an environment that is conducive to public health; and protect children from exploitation in relation to prostitution (Jordan, 2005). With the enactment of the PRA, New Zealand set itself apart as the first country to fully decriminalise sex work to safeguard the labour, health and human rights of sex workers as part of a harm minimisation approach.

As discussion throughout this chapter has contributed, there remains significant debate over the most appropriate focus of law and policy in the area of sex work, and the related concept of justice and ideology of what this concept means in relation to sex work and sex workers. Scotland sits alongside many other countries that are currently engaging in what remains a contentious discussion on best practice, in ensuring justice for those who do sex work, and others associated with and/or affected by the wider sex industry. The next section of this chapter gives a more in-depth critical examination of the legal frameworks operated in New Zealand and Scotland. Through this examination, the case for selecting these nations as comparative contexts for this study is outlined and explained, and a critical feminist analysis of the laws in place is developed.

New Zealand and Scotland | Contextualising the comparison

The Road to Decriminalisation in New Zealand

New Zealand's regulation of the sex industry historically followed a criminalisation/regulatory approach, not dissimilar to that exercised currently in Scotland and other Commonwealth countries. Sex work itself was not illegal; however, almost every conceivable way of organising the transaction carried criminal sanction. For example, the now repealed Section 26 of the Summary Offences Act 1981 in New Zealand made it an offence for a sex worker to offer sex for money in a public place, rendering street-based sex workers most vulnerable to gaining prostitution-related convictions, usually also carrying a penalty of a fine. However, unlike the kerb-crawling legislation brought in throughout England and Wales, and subsequently Scotland, no offence existed in New Zealand that criminalised the purchase of commercial sexual services from a street-based or any other sex worker. A double standard was therefore evident in law and practice, whereby female sex workers with a prostitution-related

conviction bore the legal penalty, which worked to “entrench and consolidate her in a life of prostitution”, and brought with it “devastating impacts on future employment, travel and finance options” (Jordan, in Abel et al., 2010: 41).

In addition, Section 147 of the Crimes Act 1961 made it an offence to keep or manage a brothel and, during police raids, evidence was often collected in the form of safe-sex literature and condoms (Abel et al., 2010), thus providing a tense atmosphere in existing massage parlours, where sex workers were not actively encouraged to take safe sex measures and were vulnerable to coercive and exploitative practices by owners or managers of the businesses, and had little recourse to the justice system (Abel et al., 2010). Owners and managers, at this time, worked under the Massage Parlours Act 1978 (MPA); however, this Act did not refer to the existence of commercial sex. The MPA also required that all employees’ details were recorded, and police often visited parlours to inspect and record the names of “masseuses”. As a strategy for arrest, police regularly masqueraded as clients, in parlours and on the street, encouraging women to offer them sex in exchange for money in order to secure a conviction. Fines of up to NZ\$200 were levied against sex workers following prosecution, and they were prohibited from working in a parlour for 10 years. This meant that convicted sex workers who had to continue to work to pay off their fines had to work either in more isolated, unusual street areas or privately through escorting, both increasing vulnerability of the worker to harm (Healy et al. in Abel et al., 2010). Section 148 of the Crimes Act also made it illegal to live off the earnings of the prostitution of another person, meaning that partners, husbands and children of sex workers could be convicted should they be supported by the earnings from sex work. Procuring sexual intercourse for another person was also illegal under Section 149 of the same Act. The contradictions in the legal framework, however, meant that convictions were few in number due to the difficulties in enforcing these very laws, with police time being spent essentially monitoring and recording the “prostitution scene” (Fitzharris, in Abel et al., 2010). Whilst the numbers of convictions were few, and were mostly for soliciting, the existence of this legislation created a climate of fear, and therefore worked against the interests of sex worker safety and public health (Abel et al, 2010).

At the heart of the critique of the pre-decriminalisation model in New Zealand was the double standard that underpinned the legal framework. Whilst female sex

workers were targeted both indoors and outdoors, men purchasing sexual services remained outside the scope of the criminal law. The double-standard and the devastating impact of gaining a prostitution-related conviction for those women prosecuted became shared concerns for many women's groups, feminist academics and some politicians, all noting that these convictions worked to create barriers to a person's ability to exit sex work should they desire to do so. Healy et al. (2010) describe the major effect of a prostitution-related conviction on the lives of those involved vividly:

It [a conviction] would sit on their record, acting like a barrier to some types of employment, and for those who did succeed in finding alternative employment, it would be like a sword of Damocles hanging over their heads, which if discovered, could result in dismissal. (2010, p. 46)

The campaign against this legal framework started with the sex workers' rights movement, which began to organise amongst a small group of sex workers in Wellington. In 1987, the New Zealand Prostitutes' Collective (NZPC) was formed and began their campaign for equal rights for sex workers, including the recognition of sex work and the repeal of laws that criminalised and discriminated against sex workers. Campaigners for the PRA centred their campaign on the state's obligation to protect sex workers' human rights and afford sex workers the labour rights that would allow them to challenge the additional vulnerabilities they faced, including coercion, exploitation, and violence and abuse in their working places and within working arrangements. The harms associated with sex work were therefore very clearly problematised as being exacerbated by criminalisation, a system that was criticised for fueling a double standard according to gender, being non-conducive to public health efforts, and creating a climate of impunity for those who targeted sex workers to commit violence, coercion and exploitation. As described by Barnett in his first reading speech to MPs upon presenting the private member's bill in Parliament:

“[the] dangers in the sex industry relate to health and the abuse of power. That is why this bill places safer-sex obligations on brothel owners, bans coercion, gives sex workers the right to decline a commercial sexual service, and sets an age limit of 18” (Barnett, 2000)

The Current Legal Framework Prostitution Reform Act (2003)

The long fight against the punitive laws around sex work culminated in a parliamentary vote on the 25th June 2003, which narrowly passed the Prostitution Reform Act (PRA). The repeal of the various strands of criminalisation of sex workers and the sex industry, alongside the detailed aims addressed in each Section of the Act and the accompanying Occupational Safety and Health Guidelines (OSH), signified a paramount shift in the legal and policy construction of sex work and, importantly, the construction of sex workers in the country. Clearly, constructing sex work as a form of labour and sex workers as human and labour rights-bearers, the Act itself fundamentally shifted the problematisation of sex work from a deviant, immoral behavior to recognising sex workers as persons deserving equal protection by the law, and other necessary rights and protections specific to the industry they worked in, which were also seen to be necessary to ensuring public health standards (Abel et al., 2010). This shift in the construction of sex workers is evident in the specific aims of the Act, which clearly reflect a harm minimisation approach that prioritises the human and labour rights of sex workers, and reiterates specific protection for young persons;

‘The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that –

- a) safeguards the human rights of sex workers and protects them from exploitation;
- b) promotes the welfare and Occupational Health and Safety of sex workers;
- c) is conducive to public health;
- d) prohibits the use in prostitution of persons under 18 years of age;
- e) implements certain other related reforms.’

(Section 3, Prostitution Reform Act, 2003)

The harm minimisation, public health and human rights focus in the various Sections of the PRA are possibly an outcome of the collaborative process of drafting the bill that formed the basis of the Act passed in 2003 (Abel et al., 2010). The bill was drafted by the sex worker organisation New Zealand Prostitutes’ Collective (NZPC), the Young Women’s Christian Association of Aotearoa – New Zealand, some legal volunteers, and some Members of Parliament, with a strong focus on inclusion of sex worker experiences and resulting desires for law reform (Abel, 2007).

With the passing of the PRA (2003), the New Zealand Government's Department of Labour developed, in partnership with the New Zealand Prostitutes' Collective (NZPC), the Occupational Health and Safety guidelines specific to the sex industry (OSH). The guidelines are intended for sex industry owner/operators, and the self-employed, employers, managers and workers (Occupational Health and Safety Services, Department of Labour, 2004). These guidelines include information on the roles and responsibilities for all of the above-mentioned groups under the PRA and the Health and Safety in Employment Act 1992.

Within the PRA, preliminary provisions, purpose, interpretations and definitions are set out in Sections 1-6. From there, specific requirements are set out relating to numerous aspects of the sex industry organisation and the people at all tiers of involvement.

The requirements are outlined for sex worker health, workplace amenities and psychosocial factors, such as security and safety from violence, alcohol and drug use, smoking in the workplace, complaints, employee participation and workplace documents, over Sections 8-10. Focus is on the operators of sex work businesses under the PRA, and these sections adopt and promote safer sex practices by taking all reasonable steps to ensure that their workers (and clients) are given health information, use 'prophylactic sheaths of other appropriate barriers', and minimise the risk of acquiring or transmitting sexually transmitted infections (Section 8), while Section 9 specifically requires sex workers and clients to take all reasonable steps to ensure that they use adequate protection during penetrative sex, and minimise the risk of acquiring or transmitting a sexually transmitted infection.

Advertisement restrictions are outlined in Section 11, including advertisements on radio and television, cinemas and in the print media (with the exception of the classified advertisements section), with penalties outlined for offenses. Sections 12-15 delegate authority to territories throughout New Zealand to make bylaws regulating signage of commercial sexual services and the location of brothels.

Sections 16-18 provide further protection for sex workers. Under section 16, it is an offence, with a penalty of up to 14 years' imprisonment, for anyone to induce or compel another person to provide sexual services, or claim any earnings derived from sex work. The Act (under section 17) also states clearly that any

person has the right to refuse to provide commercial sexual services, and consent can be withdrawn at any stage in the transaction. Clearly stated is that refusal to work as a sex worker also does not affect any entitlements to a benefit under the Social Security Act 1964 or the Injury, Prevention, Rehabilitation, and Compensation Act 2001.

Section 19 of the PRA reinforces the application of the Immigration Act 1987, confirming that only residents of New Zealand are covered by the protections of the PRA, and no work, travel or student, or other permit be granted to a non-resident who provides, or intends to provide, commercial sexual services, or who intends to operate or invest in a commercial sexual business.

Sections 20-22 state prohibitions placed on people who assist anyone under the age of 18 years in providing sexual services, anyone who receives earnings from such services, or anyone who contracts someone under the age of 18 years for commercial sexual services (sections 20-22). The Act allows for a prison term of up to seven years for anyone contravening these sections, and stipulates that no person under the age of 18 years can be charged as a party to the offence. Other sections of the Act deal with powers of entry to inspect compliance with health and safety requirements, and powers of entry for police. Sections 34-41 deal specifically with operator certificates, required by every operator of a sex work business, which are granted by the Registrar of the Auckland District Court upon condition of meeting certain requirements.

Charting the moves of policy and legislation in Scotland

Although the Scottish Parliament is a relatively recent institution, significant institutional and legal differences to England, Wales and Northern Ireland have always existed. Although legislation was, prior to devolution, made by the Westminster Parliament, it has been framed by Scotland's different legal traditions, and enacted through Scotland's different legal system. A high degree of administrative devolution has existed in Scotland for a considerable period of time, primarily through the Scottish Office (Brown et al., 1998; Paterson, 1994), and that has given rise to distinctively Scottish institutions, systems of administration, policy elites, and influential networks. Different legal systems mean that sex work is dealt with under different legislation, albeit relatively similar to those enacted throughout England and Wales and underpinned by a

closely related ideology about sex work/prostitution. This wider ideology underpinning recent legislative changes in England, Wales and Northern Ireland will be traced in the following section of this chapter to show the development of a political ideology that increasingly follows an abolitionist perspective on sex work, and in turn continues to develop a system of criminalisation of both sex workers and their clients.

Legislation pertaining to sex work in Scotland stems from the approach taken in England and Wales, through the Street Offences Act (1959), the Sexual Offences Act (1985) and the Sexual Offences Act (2003). The Policing and Crime Act (2009) amended legislation relating to prostitution through Sections 14 to 21, which came into force in April 2010, amending existing statutes that make provisions relating to the law on prostitution, increasing criminal sanction against those who were deemed responsible for fueling the demand for prostitution. These amendments were extended to Northern Ireland by making additional changes to the Sexual Offences (Northern Ireland) Order 2008, making the approach UK-wide rather than British-wide. Northern Ireland has recently gone further in their abolitionist approach to sex work regulation with new legislation recently passed on human trafficking that results in the criminalisation of clients. The legislation passed by a majority vote on the 21st of October 2014, despite findings from in-depth research commissioned by the Northern Ireland Government into this approach. That research did not support the overall legislative approach for reducing trafficking nor sex work, and expressed safety concerns for sex workers if the criminalisation of clients approach were to be adopted (Huschke et al., 2014). Whilst similar proposals have been debated in England, Wales, and Scotland to criminalise clients in a broader attempt to reduce trafficking, no single legal approach has been adopted UK-wide, as yet.

The general system adopted throughout Britain is one of partial criminalisation, which, in practice, represents a somewhat paradoxical legislative situation whereby the act of prostitution is not illegal but almost every conceivable way of organising the transaction carries a criminal penalty. Activities such as soliciting, living off the earnings of prostitution, child prostitution, trafficking of human beings for the purposes of prostitution and owning or running a brothel are all covered by criminal law in each part of the UK. In most cases, the laws regulating these activities are invoked through “old laws” (Hancock, 1991), and the legacy of

these laws remains apparent in the current approach, where the greatest legal sanctions continue to be brought to bear on street-based sex workers and their clients seeking sexual services, mainly when they do so in public space. Under Section 46 of the Civic Government (Scotland) Act 1982, a prostitute is defined as anyone, whether male or female, who for the purposes of prostitution: loiters in a public place; solicits in a public place or any other place so as to be seen from a public place; or importunes any person who is in a public place. Sections 7 to 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 contain a number of provisions on procuring, prostitution, abduction and unlawful detention, use of premises for unlawful intercourse, trading in prostitution and brothel keeping, allowing children to be in a brothel, and living off the earnings of another from male prostitution.

The Prostitution (Public Places) (Scotland) Act 2007 contains specific statutory offences which criminalise the purchase of sex from a street worker in Scotland who, for the purposes of obtaining the services of someone engaged in prostitution: loiters in a public place in such manner that it may reasonably be inferred that the loitering is for the purpose of obtaining the services of someone engaged in prostitution; or solicits in a public place or any other place so as to be seen from a public place. The Criminal Justice (Scotland) Act 2003 contains offences relating to trafficking of human beings for the purposes of exploitation by way of prostitution. Trafficking offences were recently updated in The Human Trafficking and Exploitation (Scotland) Act 2015, where Section 1, 3 and 9 introduced legislation to specifically make it an offence to exploit another human being. Exploitation is defined within the Act and covers sexual exploitation, although the Act falls short of setting out specific measures to tackling prostitution, despite campaigners' attempts for it to include these (Engender, 2015).

The Criminal Justice and Licensing (Scotland) Act 2010 contains provisions in Section 45 to increase the maximum penalties in Sections 11 and 13 of the Criminal Law (Consolidation) (Scotland) Act 1995, which deal with the offences of 'brothel-keeping' and 'living on the earnings of prostitution', to a maximum penalty of seven years imprisonment, and an unlimited fine. Police powers to close premises associated with human exploitation were increased through The Criminal Justice and Licensing (Scotland) Act 2010. The provisions of the 2010

Act came into force in Scotland on 13 December 2010. Sections 9- 14 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 create a series of offences relating to paying for the sexual services of a child and causing, inciting, controlling, arranging or facilitating provision by a child of sexual services. For the purposes of these offences, a child is a person under the age of 18 years. A table of Scottish legislation pertaining to prostitution is included in Appendix One.

Scottish Policy & Recent Commitments

Scots law relating to prostitution continues to focus on street-based sex work, prioritising concerns over the public nuisance associated with sex work, such as soliciting, loitering, importuning, and most recently kerb-crawling. Legal sanction appears to mostly come to bear on those who transgress the line between the private and public sphere, carrying out what is classed in criminal law as a private activity within the public space. Accordingly, Scots law, mainly in respect of the ‘nuisance’ caused to communities by prostitution, target sex workers. The Scottish criminal justice system essentially classes prostitution as “anti-social behaviour” - with solicitation, importuning and loitering in a public place being a criminal offence under Section 46 of the Civic Government (Scotland) Act (1982). It is, therefore, only when such behaviour is visible in public does that behaviour becomes a criminal offence in Scotland. Furthermore, sex workers in Scotland are often subject to Anti-Social Behaviour Orders) (ASBOs) (Section 19, Crime and Disorder (Scotland) Act, 1998), which serve to reinforce their deviant status within Scotland’s legal framework.

Although primarily a civil sanction, breach of an anti-social behaviour order is a criminal offence punishable by a fine or imprisonment under the same Act (1998). Evidence has shown that ASBOs have failed to deter women from street-based prostitution, but rather have had the effect of relocating the “problem” to neighbouring areas, or indoors, often putting street-based sex workers who are particularly desperate and vulnerable into more dangerous areas. The risk of obtaining a criminal record also serves to further alienate the women from “normal” society, operating as a barrier to exiting prostitution or entering alternative employment or accessing welfare services. It has been documented how these civil orders, which quickly turn to criminal sanctions where a breach of

conditions occurs, are a quick route to criminalising sex workers and not improving conditions for communities or individuals (Sagar, 2007).

Additionally, the law restricts the personal relationships that a sex worker has outside of her work by imposing offences on the profiting of prostitution, which often catch in their ambit the boyfriends or partners of women working as sex workers. For example, it is illegal for a male person to live on the earnings of prostitution (s.11(1) of the Criminal Law (Consolidation) (Scotland) Act 1995). Accordingly, those who are closely involved with sex workers become legally suspect. Although seen as necessary in respect of targeting “pimps”, a man only needs to be proven to “live with or be habitually in the company of” a prostitute to be guilty of living on the earnings of prostitution (s.11(3) of the Criminal Law (Consolidation) (Scotland) Act 1995). This condition makes no distinction between genuine pimps (or sometimes managers) and men who are the sons, boyfriends, or husbands of women engaging in sex work. Responsibility and power are, therefore, entrusted to police and prosecution services to determine whether a sex workers’ relationship with the male figures in her life is genuine or exploitative. Legislation pertaining to the purchase of sex also appears contradictory in its nature. While the Scottish Government (2009) claims to support the prohibitionist claim that prostitution is “violence against women”, clients only come under the scrutiny of the law if they are found to be soliciting and loitering for the purpose of obtaining the services of a prostitute in a public place (s.1(6) of the Prostitution (Public Places) (Scotland) Act 2007). Thus, it is the public nature of a client’s behaviour that is targeted by Scots criminal law rather than any direct accusation of these males causing violence towards women by purchasing sexual services.

Furthermore, looking at the ways in which the law is enforced amongst the three main Scottish cities, Glasgow, Edinburgh and Dundee, it becomes clear that the way in which those on the ground interpret and enforce the law is essential to the regulation of sex work in Scotland today (Holmes, 2005). While sex work legislation is nationwide, the ways in which sex work is regulated can alter on the ground. This has led to rather different patterns emerging in the main cities where prostitution takes place of Glasgow, Edinburgh, and Aberdeen and where, until recently, there had been little pressure for change, with a more localised approach

being favourable. The first attempt to revisit sex work laws in Scotland came from the late Margo MacDonald, who introduced to the Scottish Parliament the Prostitution Tolerance Zones (Scotland) Bill 2002. The Bill was introduced following major city-wide debate on the collapse of an informal tolerance zone that operated in Leith, Edinburgh for a number of years. Whilst the Bill was defeated in 2003, it did prompt initial debate around the best models of intervention, which appears to have spurred extensive consideration of the issue. An Expert Group on Prostitution was created by the then Scottish Executive, and first met in 2003 following the debates. From the recommendations put forward to the then Scottish Executive (Scottish Executive, 2004), the Executive indicated that it would aim to address street prostitution through various measures with local authorities through community planning processes that aimed to reduce the harm caused to women involved, mainly through prioritizing existing interventions, and prioritizing the safety of communities, protecting them from the associated nuisances of prostitution-related activities (Scottish Executive, 2005). The overarching context to the new proposed approach to tackling prostitution was firmly set within a violence against women agenda at this point (Ibid.). Policy commitments made in this 2005 report have been consolidated and culminate in the current policy framework that governs the broader context of prostitution in Scotland, set out through 'Safer Lives: Changed Lives' (Scottish Government, 2009) and 'Equally Safe' (Scottish Government, 2014). This policy framework and the discourses invoked are analysed more in depth in the first findings chapter of this thesis. Since the adoption of these frameworks however, a number of key shifts have been experienced by sex workers in Scotland.

Raids & Licensing

The policing of sex work has shifted in approach with the creation of the single police force, Police Scotland, in 2012. In line with Government commitments to eradicate violence against women, which by definition includes prostitution, the new police force had a different national enforcement strategy on prostitution that saw raids on prominent, long-standing sex work premises, particularly in the capital city of Edinburgh (Renolds in the Scotsman, 2013a). These sauna raids spurred widespread media debate and were heavily criticised by local sex workers' rights campaigning organisations for instilling fear amongst sex workers, and making them feel degraded and humiliated, namely in the actions taken by

police in strip- searching women and their general demeanor that targeted women as criminals.

Following the raids, increasing calls for Edinburgh's City Council to withdraw from the existing system of licensing saunas saw the revoking of a number of licenses to these premises in the months to follow. Whilst saunas continued to operate, largely unlicensed, the associated curtailing of freedom of police to enter the premises, without warrants, saw a series of police raids ensue across the city, publically promoted as a sign of commitment to the reduction of harm and the protection of vulnerable individuals (Reynolds, 2013b, Miller, 2013). Advocates of sex workers' rights, including charities, politicians, and support and advocacy groups (Urquhart, 2014, Scot-pep, undated b) publically stressed the harm of the raids and the de- licensing in general (Urquhart, 2014, *ibid.*). Critiques centred on the impact of the raids in dispersing sex workers and forcing them to work in more clandestine, underground ways, seen to put sex workers at increased risk of violence and other harm (Scot-pep, undated b). Furthermore, across Scotland more widely, a series of continuing "welfare visits" were being carried out to sex workers' homes as part of a "pro-active" multi-agency partnership and strategy to offer support to indoor sex workers (Naysmith, 2014). Charities working for sex workers' rights, however, noted these visits made sex workers feel intimidated, particularly those who were working in groups of two or more, a set-up that is currently illegal in Scotland (*Ibid.*). Alongside public critiques of this more punitive style of policing sex work in Scotland, the impacts to sex workers' health, and ability to protect their health, have also been cited in a recent NHS Report to the Health and Social Care Committee (2015), which highlighted that condom use among sex workers throughout Lothian was decreasing, alongside an increase in rates of STI's, and a significant drop in sex worker attendance at the sex worker clinic service for the first time in eight years (NHS Lothian, 2015).

Polarised Campaigns and Parliamentary Consultations

Following approaches elsewhere, alongside growing campaigns by abolitionist feminists in Scotland and across Europe, Scotland has recently attempted to amend its regulation of prostitution, with a focus on the criminalisation of the purchase of sex. In 2012, MSP Rhoda Grant, following an earlier proposal by

MSP Trish Godman, where it was proposed that the purchase of sex be criminalised, initiated a consultation process. Positioned from the perspective that prostitution constitutes violence against women, and is a form of sexual exploitation in line with Scottish Government policy, Grant advanced that the proposed bill would:

[strengthen the work to] ... prevent and address commercial sexual exploitation in Scotland through criminalising those who engage in paid-for sex and those who pay for sex on behalf of someone else, with or without the knowledge of the person engaging in a paid-for sexual activity (Criminalisation of the Purchase of Sex (Scotland) Bill (2), Scottish Parliament, 2012a:7)

While the Bill was not eventually taken forward, the move towards criminalising the purchase of sex in Scotland could be viewed as an increasingly abolitionist approach, as with the approach in England and Wales (Scoular and Carline, 2014). In bringing forward concrete proposals to criminalise the purchase of sex in Scotland, Grant and her supporters appeared to have galvanised sex workers and advocates of sex workers' rights in Scotland to organise more strategically in their call, specifically, for the decriminalisation of sex work, as based on the model operating in New Zealand since 2003. Ms. Jean Urquhart, former MSP, lodged a draft proposal, in September 2015, for a Bill to decriminalise activities associated with the buying and selling of sexual services, and to strengthen laws against coercion in the sex industry. The proposal was accompanied by a consultation document, which the national sex worker organisation SCOT-PEP was involved in preparing. The document expressed Ms. Urquhart's aims for the proposed bill as:

The purpose of this proposed Bill is to promote the safety and uphold the rights of people selling sex in Scotland. It seeks to reform and repeal existing laws, which criminalise activities associated with sex work, and introduce more robust safeguards against coercion and exploitation. (Prostitution Law Reform (Scotland) Bill, 2015: p. 3)

With the recent elections to Scottish Parliament came a shift in political representation, and unknown levels of political support for the proposals put forward in Urquhart's consultation. Despite this, however, campaigns on both sides, as outlined above, continue unabated, with no passing in legislation yet to be seen in Scotland. Given the intensifying of the debates surrounding the most

appropriate model of regulation of sex work in Scotland, and the call from lead scholars in the area to ensure the experiences of sex workers' underpin any shifts in approach (Sanders et al, 2009), this thesis presents a timely comparative between the impact of legal and policy frameworks in Scotland and New Zealand on supporting, interrupting, or subverting injustice and oppression of female sex workers as highlighted and framed in the previous literature chapter. The final section of this chapter surmises the holistic framework of justice used in this study to address the research aims.

A holistic model of social justice as a framework for analysis

The creation and utilisation of a holistic model of social justice, in this thesis, presents a complex task, given the wide theoretical analysis of the concept and the variation in empirical approaches that aim to engage with it. A broad analysis of the social, critical and feminist theory literature, however, highlights a possible approach that fits within the aims of this study. These approaches to social justice coalesce around philosophical analysis and empirical enquiry, equalities of opportunity, and social justice through pedagogy (Applebaum, 2004), as well as discourses around rights, redistribution and recognition, inclusion and respect (Campbell and Sanders, 2007; Bauman, 2001; Fraser, 1997; Young, 1990). Beginning from the premise that social justice is a pluralistic concept that has a variety of facets, and accordingly these may sometimes be in tension with one another (Cribb and Gewirtz, 2009), the analytical framework of social justice put forward is one that notes the importance and interrelation of each of the facets presented to provide a sophisticated theoretical framework for understanding social justice in the lives and experiences of sex workers in the comparable legal contexts of Scotland and New Zealand.

Early theories of justice can be largely associated with Rawls (1972), and these focused on economic injustices as an unequal distribution of resources. Justice in this paradigm has been termed as distributive justice, and is concerned with “the way in which the major social institutions ... distribute fundamental rights and duties and determine the distribution of advantages from social cooperation” (Rawls, 1972: 7). The distributional justice paradigm has moved beyond the conventional definition in Rawlsian analysis and is now widely accepted to

include distributive elements that include material and non- material goods (Fraser, 1997). These extensions have meant that distributional justice is commonly thought of as “synonymous with social justice” (Gewirtz, 2006: 470). Whilst distributive justice remains a key cornerstone of theories on justice, the Rawlsian approach has been widely criticised for being reductive in that it assumes a society of “culturally identical citizens” (Vincent, 2003: 210). Young (1990) points out that there is great danger in viewing social justice as only about distribution of material and non- material goods as this renders the broad nature of injustice and oppression invisible, namely the cultural injustices many groups and people face. In order to disentangle these two forms of injustice, Fraser (1997) draws an analytical distinction between economic and cultural injustices:

Economic injustices involve:

exploitation (having the fruits of one’s labour appropriated for the benefit of others); economic marginalisation (being confined to undesirable, poorly paid work – or having access to none); and deprivation (being denied an adequate material standard of living).

Cultural injustices, on the other hand, include:

cultural domination (being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one’s own); non-recognition (being rendered invisible by means of ... authoritative representational, communicative, and interpretative practices); and disrespect (being routinely maligned or disparaged in stereotypic publiccultural representations and/or in everyday life situations)

In drawing these distinctions, Fraser herself notes that these injustices often overlap and intertwine, and to divide them is, in one sense, unhelpful (1997). However, the purpose of Fraser’s distinction between economic and cultural injustices is to highlight the possibility of tension arising between the potential remedies for these two types of injustice, a tension that she names the “redistribution-recognition divide” (1997), with redistribution seen to remedy economic injustices and recognition to remedy cultural injustices.

Fraser (1997) illustrates this divide by exemplifying her argument in the context of two groups who she argues face distinct forms of injustice: the “exploited classes” and the “despised sexualities”. Fraser argues that the working class suffers the economic injustices of exploitation, marginalisation and deprivation,

and that their disadvantaged position is determined by, indeed is defined by, the political and economic structure of society (Fraser, 1997: 74-76). Although members of the working class may also suffer cultural injustices, Fraser suggests that these usually arise from the material hardships they experience. According to Fraser, it therefore follows that to alleviate these injustices, a politics of redistribution is required: for example, a redistribution of income or a fundamental shift in the division of labour (Ibid). Fraser then goes on to contrast the situation of the working class with that of “gays and lesbians”, who, Fraser contends, suffer cultural injustices (1997: 77- 78). Fraser argues that in a predominantly heterosexual society, people who identify as homosexual are largely rendered invisible or marginal (Ibid.). Although this may have consequences that could be seen as economic or material injustices, unlike the working class, Fraser argues, the injustices experienced by homosexuals would be alleviated more through a politics of recognition rather than redistribution: for example, through the positive affirmation of gay and lesbian relationships in society and within the law (Ibid.). As Fraser posits in her analysis, not all injustices suffered are the same and therefore different remedies may be required. In the case of “exploited classes” and “despised sexualities”, the nature of the remedy is, according to Fraser, relatively straightforward; however, it becomes more complex in the case of a group that suffers material injustices *and* cultural injustices to relatively the same degree (Fraser, 1998: 1). Fraser gives the example of groups subordinated by gender and race, resulting in a combination of interlinked forms of injustice related to economic and cultural components (Ibid). The remedies for these compounded injustices are argued, by Fraser, to be potentially contradictory, presenting the “redistribution-recognition dilemma” (Fraser, 1997). The politics of redistribution rests upon different principles from the politics of recognition:

Redistributive remedies for political-economic injustice always differentiate social groups ... recognition remedies for cultural-valuational injustice always enhance social group differentiation (Fraser, 1997: 23).

Thus, according to Fraser, a tension can arise when groups seek both redistribution and recognition for the injustices they face, in that achieving justice in one sense can worsen the condition of the parallel injustice:

In that case, consequently, the politics of difference could be

counterproductive because it tends to preserve those group differences that redistribution could very well undermine. Recognition, in sum, could work against redistribution (1997: 199-200).

Whilst Fraser's work is important in highlighting the possible tensions between economic and cultural remedies, she does not aim to negate the pluralistic nature of justice but alerts us to the complexities involved in conceptualising a holistic model of social justice applicable to all groups.

Extending the arguments put forward by Fraser (1997), Gewirtz (2006) argues for the inclusion of a second dimension of social justice that is concerned with the remedying of both distributional and cultural components of injustice, and thus underpins all remedial strategies for injustice. In her conceptualisation of this second element of justice, Gewirtz states that there is a relational aspect to justice that it is fundamentally "about the nature and ordering of social relations, the formal and informal rules which govern how members of society treat each other both on a macro level and at a micro interpersonal level" (Gewirtz, in Demaine (ed) 2001: 50.) The relational dimension incorporates what Fraser (1997) refers to as cultural justice, examples of which would be cultural autonomy, recognition and respect. But it is a much broader category. It also includes aspects of what Fraser calls economic justice, examples of which would be the reorganisation of the division of labour and subjecting investment to democratic decision making (Fraser, 1997: 15). The concept of relational injustices is largely focused on the forms of social cooperation, and any justice that can be classed under the element of relational justice refers to the broader political/relational system within which the distribution of social and economic goods, rights and responsibilities take place. In one sense this arena can be conceived of as another dimension of distributive justice in that, in part, it refers to *the way* in which relations of power are distributed in society. But it is not just about the distribution of power relations, nor is it just about the procedures by which goods are distributed in society (commonly referred to as procedural justice). Relational justice might *include* procedural justice, but it is about more than this. According to Gewirtz (2006) relational justice is concerned with the connection and relationship between injustice, power and society, and refers to:

The practices and procedures which govern the organization of political systems, economic and social institutions, families and One-to-One social relationships...these things cannot unproblematically be conceptually

reduced to matters of distribution (2006: 471).

The relational aspect of justice has to some extent been sidelined by Fraser's earlier work on economic/cultural distinction, but later developed through her thinking on participatory parity and representation (Fraser, 2003), and later discussed as status 'misrecognition' and status inequality (Fraser 2010: 16). Participatory parity is a specific and sophisticated version of the idea of equality of opportunity (Rawls, 1972), according to which equality is understood in light of three different dimensions of justice: redistribution, recognition and political representation (Fraser, 2003). In this development of thinking, Fraser posits a more political dimension of justice, namely representation, which is concerned with the procedures, structures, processes and practices that exclude some members of society from participating on an equal level of status within the political realm (Fraser, 2010: 19). She argues that political injustice's principal characteristic is misrepresentation, displayed either as 'misframing' or 'meta-political misrepresentation'. Misframing describes processes of 'boundary-setting' or the 'partitioning of political space', which is done by dominant groups, determining where 'legitimate' political debate occurs, and who is included/excluded 'from the universe of those entitled to consideration within the community in matters of distribution, recognition and ordinary-political representation' (Fraser, 2010: 19). In effect this 'blocks the poor or despised from challenging those who oppress them' (Fraser, 2010: 147). When political voice is denied through this hierarchy of political space engagement and inclusion/exclusion practice, those who are excluded suffer status inequality or 'misrecognition' (Fraser, 2010: 16).

Fraser's thinking of representation and status recognition has been extended by theorists under the term "associational justice" (Power and Gewirtz, 2001: 41). Associational justice is thought to underpin both the economic and cultural aspects of injustice, and refers to the patterns of association amongst individuals, and amongst social groups, which prevent some people from participating fully in decisions which affect the conditions within which they live and act (Cribb and Gewirtz, 2003). Cribb and Gewirtz's (2003) conceptualisation of associational justice is concerned with locating where there are spaces for agents who are *not part* of the dominant group to be part of the decision-making process that

structures their agency. Arguably any enterprise that includes individuals having equal rights and responsibilities in the choices made that affect their lives is democratic. This, as Ranson (2000) argues, is not easy, but it is worthwhile to “learn how to enter into dialogue with others in order to transform practice” (2000: 266). Toiling for this kind of associational justice may engage with how communities might begin to take part in the process of converting policy as text into policy as discourse.

The analytical framework for reading social justice is one put forward by Cribb and Gewirtz, (2003), which draws on the work of both Young (1990) and Fraser (1997) and is updated with Fraser’s more recent work on status recognition and representation (2003; 2010). This framework is summarised below:

- distributive justice, which includes concerns about what Fraser calls economic justice, and is defined as the absence of exploitation, economic marginalisation and deprivation;
- cultural justice, defined as the absence of cultural domination, non-recognition and disrespect;
- associational justice, defined as the absence of patterns of association amongst individuals and amongst groups which prevent some people from participating fully in decisions in public and political spaces which affect the conditions within which they live and act
(Power and Gewirtz, 2001: 41).

The purpose of this analytical framework, alongside the conceptual and theoretical frameworks presented throughout the literature review, is to allow for the move beyond a descriptive comparative approach towards an analysis of injustice and justice, presented within the holistic framework of social justice that accounts for economic, cultural, and associational elements (Cribb and Gewirtz, 2003) that together present necessary conditions for participatory parity (Fraser, 2010). Developing such a contextualised approach to justice, according to Gewirtz (2006), therefore involves firstly, noting and remaining attentive to the difference facets of justice, as presented in this discussion, and recognising that the multi-dimensional nature of justice lends itself to the potential for conflict between different facets or strands of justice. Secondly, paying attention to the ways in which “concerns of justice are mediated by other norms and constraints that motivate actors”, and finally, having consideration of the situational aspect of people’s experiences of justice, and recognising the influence of the broader

settings within which the social actors are operating (Gewirtz, 2006: 69).

Conclusions

Sex work has become a paradigmatic case where discourse on prostitution evidently has a significant role in setting subsequent policy agendas in the area and the regulatory approach enforced. Building on the introductory chapter and the literature reviewed in Chapter two, which together explored the historical, social and political meanings attached to sex work, this chapter critically inquired into the implications of these discourses for sex work policy and governance. In contextualizing the legal contexts in Scotland and New Zealand, this chapter sets the comparative research framework in which the fieldwork was set. Developing and synthesizing theories of justice in this chapter frames the analytical framework for this study and recognises that these theories are more than a sum of their parts, which is fundamental in addressing the overarching research aim. The following chapter moves to detail and defend the methodological approach taken in this study.

Chapter Four | Methodology

Introduction & Situating the Methodology

In taking a critical discursive approach to the theorising of sex work and the governance of sex work in the previous chapters of the thesis, the interconnectedness of discourse, power and policy is illuminated. Engaging with this interconnectedness is central to this study in looking beyond the written laws of the comparative countries' legal frameworks to explore firstly how these laws and policy frameworks create the structures and processes that female sex workers work and live in, and then how female sex workers experience these in their lived realities. Together these research components were broadly engaged to build an analysis of structure and agency, the relationship between the two being instrumental in addressing the overarching research aim; to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice. This thesis utilized a feminist, participatory-informed methodological approach that centered women's voices and experiences in an endeavor to understand social justice as both a task for the researcher and participants and a process of the research in and of itself. The research aims were:

1. To explore the lived experiences of female sex workers in Scotland and New Zealand;
2. To critically examine the legal and policy frameworks operated in Scotland and New Zealand on sex work;
3. To compare how, and to what extent, sex work laws, policies and frameworks, in Scotland and New Zealand, support, interrupt or subvert injustice to and oppression of female sex workers

Designing a broad research framework to address these distinct yet connected research aims presented a complex task that required flexibility, fluidity, and reflexivity. It required a commitment to ensuring social justice processes through placing sex workers' subjective experiences and own understandings at the centre of the investigation, and engaging sex workers as peers in the research process, whilst appreciating the level of research a PhD affords particularly in light of time restraints. O'Neill (2001) suggests that moving forward to ensure positive change *with* sex workers requires the creation of a renewed feminist platform,

both in academia and policy and practice. This platform is concerned with the creation of a radical democratic approach to prostitution reform that contributes to the destigmatisation and demarginalisation of women involved (Sanders et al., 2009; Sanders, 2005; Sanders and Campbell, 2007). Most recently research from this perspective has been cited as contributing to ‘an agenda for change’ (McGarry and Fitzgerald, 2018). Methodological approaches engaged within literature contributing to this agenda span a range of critical theoretical perspectives in the study of sex work. For example, the agenda draws on cultural criminology and cultural sociology, equality feminism, difference feminism, and postmodern feminism. As O’Neill (2001) notes, the interplay between critical thought and feminist praxis is one source of resistance to, and transformation of, the disempowering and reductive psychic and social processes indicative of previous studies of sex work that have been criticised for their over-determination of gender power relations in analyses of prostitution (Bernstein, 2007; Weitzer, 2000). This study aims to contribute to this agenda for change in studying sex work through a critical feminist standpoint methodological approach that centralizes social justice by engaging sex workers in the research rather than studying their lives from a distant or objective standpoint.

To show the development of the methodology engaged, this chapter begins with an exploration of the theories underpinning the broad or “macro” research approach taken, including a reflection on theoretical underpinnings, researcher positionality, and the specific considerations involved in conducting research with a marginalised community. The second part of the chapter moves to present the “micro” research strategy, specifically outlining and defending choices made in relation to the fieldwork settings and data collection. The final part of this chapter presents a reflective insight into data analysis process and choices made with regard to the presentation of findings, whilst reflecting on the effectiveness of such an analytical approach in meeting the research aims.

Part One | The Macro Methodological Approach

In order to engage with the research aims, the interrelationships between epistemology, ontology and methodology were given careful consideration in the design of this research study. Together, these components made up the macro methodological approach, which provides context of the rationale of the overall research approach.

Philosophical considerations and theoretical underpinnings

A structural approach is taken in this study to acknowledge the role that institutions, social relationships, and resources play in constraining or enabling courses of action and exercising one's agency (Cockerham, 2005). This approach underpins the wider research rationale and is fundamental in all processes of the methodology outlined in this chapter. Agency implies that individuals make choices in a rational manner, weighing up advantages and disadvantages, critically evaluating the situation, before choosing a course of action (Cockerham, 2005). However, merely focusing in a decontextualised way on individuals' lifestyle choices, and putting pressure on people to change these lifestyles, leads to victim-blaming and does not consider the structural causes for the choices made (Richmond and Germov, 2005). As choices are not made in a social vacuum, agency can never be free from structure (Demers et al., 2002). The tendency to examine the relationship among risk factors of research participants with no theoretical framework, ignoring the reason risk factors exist, why they affect some people, and how these risk factors are interrelated, has been critiqued by those who favour structural context studies, such as Williams (2003: 140):

There has been a lack of attention to the development of concepts which will help explain why individuals and groups behave the way they do in the context of wider social structures – to link agency and structure.

Rather than solely focusing on sex workers at the individual level, this study also seeks to understand the societal factors and mechanisms which have placed this population "at risk of risks" (Frohlich et al., 2001: 778; Link and Phelan, 1995) through a conceptual and theoretical framework that was developed in the first three chapters. In coming to understand the role of broader structures and

processes in structuring the marginal status of prostitution, and in turn the marginalization, stigma and oppression of sex workers, it has been deemed essential to do research that provides “thick” accounts of women’s lives (Phoenix, 1999; O’Neill, 2001; Green, 2004). To this end, the philosophical underpinnings of the methodology adopted seeks to understand the broader social and political processes in both the positioning of sex work in law and policy, and the construction of the female sex worker, and explore from a critical feminist standpoint, allowing for reflection on the power-processes of research in knowledge-production, how individuals apply their agency within these structures. Theoretically, this research is based on an interpretivist and constructionist approach, whereby the ontological assumption is that reality is produced historically through social, political, economic, cultural, ethnic, and gender factors (Guba, 1990).

Critical Feminist Standpoint Approach

Consciousness-raising efforts during second-wave feminist struggles have had substantial effects on the way we, as women, understand our own experience in relation to a society structured on patriarchal structures and power processes. These efforts have led to a greater sense of shared identity amongst and across women with different experiences and transformed feminist politics from the personal to the political. This process became influential in political spaces, but also in philosophical theory, confronting and displacing the identities imposed by conventional stereotypes that form part of hegemonic ways of thinking and producing knowledge from the point of view of the socially and politically dominant. The development of a feminist standpoint as a philosophical stance sits alongside feminist critiques of traditional social research epistemology which posit a ‘scientific’ approach to knowledge production and research as the optimum standard. This perspective is known as “foundationalist” (Stanley and Wise, 1993) or “positivist” (Denzin and Lincoln, 1998) and is characterised in terms of the value-neutrality, not only of the method but also of the investigator, with the goal being to uncover and explain the truths and facts of the social world. Critiques of these traditional positions are most notable from the stances acknowledged as driving this methodology of constructionism and interpretivism, which developed concurrently with feminist epistemologies. Feminist standpoint epistemologies were developed partly in response to a frustration with the inadequacies of

traditional positivist epistemology when representing the experiences of women (Brooks, 2007; Chase, 2005; Cotterill, 1992; Harding, 1998).

As Lennon and Whitford assert, ‘feminism’s most compelling epistemological insight lies in the connections it has made between knowledge and power’ (Lennon and Whitford, 2012: 1). In recognition of the power interplay between knowledge production and social and political power, feminist standpoint theories describe and analyse the effects of power structures on knowledge, while also advocating a route of enquiry that begins from standpoints emerging from shared political struggle within marginalized lives. This approach is a philosophy of building knowledge that permits researchers, coming from a standpoint of their own experience and position, to view the world through the eyes and experiences of oppressed women, and then apply the vision and knowledge of oppressed women to social activism and social change (Brooks, 2007). They thereby offer epistemological and methodological approaches that share a commitment to acknowledging, analyzing and drawing on power/knowledge relationships, and on bringing about change which results in more just societies. The central tenets of a feminist standpoint epistemology are: a focus on critical reflexivity; a rejection of traditional claims to objectivity and binary ways of thinking; and an acknowledgement of difference and the importance of context.

Whilst some theorists use the label ‘feminist standpoint’, others refer to ‘women’s standpoint’, both reflecting the way in which standpoint theory argues for “women’s place” as a starting point for enquiry (Harding 2004: 21). Harding explains the earning of such a standpoint thus;

Only through such struggles can we begin to see beneath the appearances created by an unjust social order to the reality of how this social order is in fact constructed and maintained. This need for struggle emphasizes the fact that a feminist standpoint is not something that anyone can have simply by claiming it. It is an achievement. A standpoint differs in this respect from a perspective, which anyone can have simply by ‘opening one’s eyes’ (1991: 127)

Self-definition in terms of a standpoint provides a starting point for the self-assertion of one’s own identity and the relation of the researcher standpoint in relation to the collective struggles faced with the persons studied. This assertion of identity adds to a body of knowledge about how one’s life is and how that person

experiences the world, acknowledging that research practice cannot be separated from what we observe. A feminist standpoint is a way of understanding the world, a point of view of social reality, that begins with, and is developed directly from, women's experiences. The following section of this chapter aims to extend this rationale by way of explaining and reflecting on my own feminist standpoint as a researcher as relevant for this research.

Researcher's Personal Standpoint

My own standpoint as a feminist researcher sits within a context of being personally and politically involved in sex workers' rights activism and advocacy for over a decade. This involvement began at the end of my undergraduate degree, when I developed an interest in the intersectionality of sex workers' rights as women's rights. As a young feminist-in-training, the sidelining of sex workers' rights within feminist places, spaces and in feminist literature intrigued me. I began a process of immersion into the sex work community in 2009, and was appointed to the Board of the national sex worker-led charity SCOT-PEP in 2010. My political reasons for investing this time and energy into the campaign for sex workers' rights grew from a personal belief in the rights of all women to bodily autonomy, extending from reproductive rights to choices made for whatever reason, and within whatever circumstances, to sell sexual services. Fundamental to my standpoint is the belief that individuals working in the global sex industry, of all genders, should be afforded the rights to be protected by the law, and recourse to formal justice in cases where human, health and labour rights are violated. From the outset, therefore, I approached this research from a feminist, sex worker rights perspective, and remain invested in the community goals to destigmatise sex workers, and advocate for their health, human, and labour rights. I did not at this time foresee such longevity nor commitment to the sex workers' rights movement, but admit upon reflection that this vested interest, and often relentless community activism that I have been engaged in, did afford me the privilege to conduct this research from a position of an insider to some extent. Of course, I anticipated critique in coming from this standpoint, and thus I endeavored to be as reflexive as possible in steps I took throughout the research process, and specifically strategies I developed or drew on from researchers and students before me in mitigating researcher privilege over data interpretation.

In the course of researching for and writing up this PhD thesis, I feel I have walked an often-precarious line between insider/outsider, colleague/student, activist/researcher. Similar to my research experience, Wahab (2003) built a relationship with the sex worker organisation COYOTE in the USA, in the process of carrying out her research. She experienced similar role confusion in the research process, feeling she had the multiple identities of “social worker, voyeur, wanna-be sex worker, advocate, friend, goodie-two-shoes...I constantly felt like an insider and an outsider while working with sex workers” (2003: 628-629). Although, at times, this role-shifting was confusing, it is within these personal lived experiences that I feel I found my feet in what I was trying to achieve as a student researching the lifeworld’s of female sex workers. This required acceptance of my own personal gain from producing the thesis and a conviction in my values as a PhD researcher and a feminist. It required my commitment to ensuring social justice is made possible for sex workers of all genders through law and policy, and a deep desire to contribute to the de-stigmatising of women involved in sex work.

I remain acutely aware of the stigma that sex workers face globally, present in institutions, state policies and practices, and individual mindsets. I have at times, over the course of carrying out this research and beyond, been confronted with this stigma in my own life and personal relationships, albeit comparatively insignificant to many of the research participants’ experiences. In the end I feel the shared stigma between myself and those who I remain indebted to for helping with and/or participating in this study is what has enriched the findings and the overall thesis.

The findings go beyond the policies, laws and practices in Scotland and New Zealand that regulate the lives and work of sex workers, to give an honest, in-depth, and empathetic snapshot of the lived realities of female sex workers’ in both contexts. As Sanders et al. (2009: 186) comment: “central to much feminist research methodology is an acknowledgement of the location of the researcher as part of and influencing the research process.” Researcher influence over the research process is something I have learned to accept as a powerful process and although I purposely took steps to mitigate this power, I remain aware that as the

researcher I was ultimately tasked with the illumination of snippets of people's lives. During the process of undertaking fieldwork, I heard countless accounts of sex workers feeling used, hurt and shunned through research, and this fostered acute awareness of my responsibilities as a researcher. In locating myself in the research process and making clear the origins and nature of my personal and political standpoint, I hope to have provided greater clarity with regards the lens through which I undertook this study, and further explain the position I undertook as a sex workers' rights activist, in providing a rationale for conducting a participatory-action informed research approach.

Methodological Approach

Extending from the philosophical considerations and critical feminist standpoint approach, attention is now turned to critical feminist methodologies, sought as a means to explore discursive law and policy contexts as producing and reproducing 'situated knowledges' (Haraway, 1991) of research participants. Feminist standpoint scholars emphasize the need to begin with women's lives, *as they themselves experience them*, in order to achieve an accurate and authentic understanding of what life is like for women today (Brooks, 2007). Building knowledge from women's lived experiences is a project that contributes to the historical trend of women's misrepresentation and exclusion from the dominant spaces of knowledge-production. And only by making women's concrete life experiences the primary source of our investigations can we succeed in constructing knowledge that accurately reflects and represents women (Collins, 1990). Feminist scholars working within a number of disciplines have advocated taking women's lived experiences, particularly experiences of (caring) work, as the beginning of scientific enquiry (Brooks, 2007).

In reflecting back to Fraser's 'politics of representation' (Fraser, 2010), urging an investigation into what is said, who has the power to say it and how it becomes knowledge, the possible power attached to the representation of sex workers' lives in an academic space required confrontation. Given the conceptual and theoretical frameworks presented throughout the literature review chapters, the marginal status of female sex workers is asserted whereby, as an oppressed social group, collective experiences of stigma and injustice have been platforms of resistance. In order to ensure processes of misrepresentation were avoided in the research

process, the methodological approach had to be transformative in and of itself, committed to the associational social justice principle of inclusion of sex workers as peers in the shaping of research findings and representation of the data. As Cribb and Gewirtz's (2003) note, associational justice is concerned with locating where there are spaces for agents who are *not part* of the dominant group to be part of the decision-making process that structures their agency. Toiling for this kind of associational justice in methodological approaches with sex workers required a process of trial and error and reflexivity, in the hope of establishing this principle of research as imperative, whilst reflecting on the difficulties of fully implementing a participatory action research methodology or participant-driven research (Bowen and O'Doherty, 2014).

Marginalised populations are those populations who are disadvantaged and who tend to be excluded from the social rights enjoyed by other individuals (Beiser and Stewart, 2005; Romero et al., 2003). These populations share common characteristics, with stigma being pivotal. Stigmatised, and thus marginalised, persons and groups of people are often excluded from the rest of society, are distrustful of outsiders, and often unwilling to participate in research (Liamputtong, 2007; Benoit et al., 2005). These characteristics can pose problems for traditional research methods, which are often ineffective with marginalised populations, and raise a number of ethical problems, risks, and challenges (Romero et al., 2003). Internationally, there is increasing interest in developing innovative methodological approaches to explore hidden or marginalised populations, which, it is argued, enable a deeper and more meaningful exploration of the lived experiences of individuals constituting these populations (Romero et al., 2003).

Approaches which are finding increasing popularity for researching marginalised populations are those that are collaborative and truly "community based" (Benoit et al., 2005; Minkler & Wallerstein, 2008). These approaches fundamentally require a shift in the purpose of doing research from merely amassing knowledge for the use of academic and policy audiences, to a purpose that will be beneficial to the populations or communities involved and encourage social change (Lewis & Maticka-Tyndale, 2000). O'Neill argues that through a reorientation of the subject-object binary in traditional methodologies, community-based collaborative research can enable "mutual recognition" and allow the "critical

recovery” of history for oppressed groups (2010). Pushor (2008) cited in Bowen and Doherty, 2014) notes that the goal of more equitable power sharing over research decisions and a sense of mutuality is a hallmark of participatory research. A methodological approach which is informed by Participatory Action Research (PAR) methodology fundamentally seeks to work with the traditional “subjects” of research to include women in the research process, to include their lived experiences and their subjective narratives into the findings, without studying them in a way that can ultimately “reduce them to versions of ourselves” (O’Neill, in Letherby, 2008: 83). PAR offers a methodological approach that encompasses social research, action or intervention, and the production and exchange of knowledge from a grassroots perspective (O’Neill, 2001). The ethical challenges relating to doing research with a marginalised and stigmatised population (Brooks-Gordon, 2008; Benoit et al., 2005; Lewis and Maticka-Tyndale, 2000) urge the use of such a participatory action research approach.

There are some inherent difficulties in adopting a full PAR approach, such as the length of time and investment necessary to include participants as co-creators in the research. Thus, the methodological approach taken in this study stemmed from a critical feminist standpoint approach, informed by PAR principles. Resultantly, the research methodology engaged in this study was concerned fundamentally with ensuring just research as both a task and a process, which required recognition of the causal relationship between knowledge production and power, and the acceptance that produced knowledge can sustain or alleviate conditions of injustice. This included: a desire to include female sex workers as peers in the construction and production of knowledge by centering their voices and experiences at the heart of investigation; the inclusion of sex workers as much as was possible in the context of this study in the interpretation of data in generating conclusions based on the findings; and a commitment to using this knowledge to effect change towards social justice for female sex workers. This approach is founded on the belief that womens’ experiences not only point to us flaws in larger economic and political systems, but also offer potential solutions to these flaws. As Jaggar (1997) explains, because women’s experiences, and the feminist standpoints that evolve from them, offer us a deep understanding of the “mechanisms of domination,” they also help us “envision freer ways to live” (1997: 193). Reflexivity is a fundamental principle of standpoint

approaches and PAR-informed methodological frameworks and thus was a pivotal process in each stage of the research undertaken in this study (Seale, 1988). Reflexivity is threaded throughout the following section of this chapter, which moves to detail the research methods used for data collection and analysis.

Part Two | Research Strategy and Methods

Tasked with the desire to facilitate subjective accounts of women's experiences, an overall qualitative research methods approach was selected, with qualitative research methods chosen as the most appropriate tools for data collection, qualitative interviewing and fieldwork ethnographic-informed observational methods. Qualitative research methods are recognised as essential in recognising the social world as one comprised of "...multiple subjective realities" (Gilbert, 1992: 33, in Gilbert (ed), 2004). Furthermore, due to the nature of sex work as an activity that is often organised through illegal practices and is widely viewed as an immoral means of earning money, the voices of women working in the sex industry are often invisible or misrepresented in research studies. Given the research aims, their interconnectedness and the comparative nature of this study, a three-pronged research approach was adopted and enacted throughout the course of data collection which comprised critical discourse analysis, ethnographic observations and qualitative interviewing. The research phases are detailed chronologically to give a sense of process to the reader of the research strategy and methods undertaken in the collection of data through fieldwork.

Phase One: Framing the Comparative Sites and Structures of Fieldwork

Selecting a suitable comparative context

The purpose of this study was to look closer at two distinct legal models used to regulate sex work and examine the impact of these distinct models on enabling and/or constraining sex workers' access to justice. Two criteria were therefore used to select a comparative country: a different legal and political conceptualization and construction of sex work/prostitution, and an active female sex worker population. As the purpose of the comparison was to identify points of departure in the policy and legal frameworks in politically and culturally similar nations, both westernised democracies with similar population sizes that had similar historical regulatory frameworks in place in regard to prostitution were chosen. As documented in the literature, there has been much interest in the New Zealand Model of decriminalisation in Scotland, particularly amongst sex workers' rights organisations that have engaged this model in debates on best

practice in law and policy. No comparative study has focused on Scotland and New Zealand and in light of the focus on the New Zealand Model in current political debates, this was recognised as a gap in knowledge that this study hopes to contribute to.

Locating the field

Due to the extent of stigma and criminalisation (in Scotland) shrouding the sex industry, sex workers are considered a difficult to reach population (Barnard, 1992). Acknowledging these difficulties led to the decision not to restrict the fieldwork to certain cities in Scotland and New Zealand, but to invite any female sex worker in each nation to take part in an interview, and, within reason, offer to travel to meet participants. Whilst I recognised that location in each country could play an important role in shaping women's experiences, the need to allow snowballing sampling in its broadest sense was crucial. Furthermore, sex workers are a highly mobile population, often travelling around their country, and beyond, for economic reasons. The interviews with sex workers in this study draw on this mobility and the subsequent experiences in different locations throughout the comparative countries of Scotland and New Zealand. Reflection upon the impact of city-level policies is therefore threaded throughout the narratives of the interviewees and reflected upon in the findings chapters.

Selecting key informants

The desire to contextualise the legal and policy frameworks within the day-to-day experiences of female sex workers led to the decision to carry out semi-structured interviews with key informants. The criteria for selecting key informants was a general focus on those who translate policy into practice in their day to day work with sex workers. As such, people from a range of agencies and organisations, state and non-state, were approached to take part in an interview. In an attempt to gain a wide perspective on experiences of translating policy into practice, key informants were approached across a range of agencies and selected to reflect a diversity of work carried out with sex workers. A semi-structured interview schedule was used (Appendix Two) which aided the collation of "rich but focused" data (Schoenberg and Ravdal, 2000: 63). These interviews with key

informants crucially allowed for exploration of how laws and policies are operationalised in the comparative contexts, and thus gave a deeper understanding of the structures that may enable or constrain sex workers' access to justice. However, as this study was predominantly focused on access to justice from the viewpoint of female sex workers themselves, data captured from key informant interviews was in no way used to check or validate sex workers' experiences. Rather, this stage of the fieldwork aimed to provide further context to the structures that female sex workers live and work within and through in each comparative setting. In hindsight, the information sought from key informants was mostly useful in directing me to key literature, policy documents and empirical research to be explored in understanding the structures sex workers in the comparative contexts were living and working within.

Phase Two: Exploring lived realities

Capturing the lived experiences of sex workers was imperative to this study, and placing these voices and experiences at the centre of the research process required thoughtful planning and execution. In-depth narrative interviewing and ethnographic-informed fieldwork observations were utilised in this phase of the research, aiming to capture women's experiences, and go beyond these experiences to explore women's own interpretation and understanding of these experiences. However, as Becker notes:

No matter how carefully one plans in advance, the research is designed in the course of its execution. The finished monograph is the result of hundreds of decisions, large and small, whilst the research is underway.' (Becker, 1965: 602)

Following Becker's sentiments, this section traces the key decisions taken throughout the fieldwork process. The selected methods are outlined within a chronological tracing of the fieldwork journey in practice, including a reflective discussion on techniques used to recruit participants, building relationships in the comparative fieldwork locations, and working with gatekeepers.

Negotiating access to participants

As other empirical research with sex workers has highlighted, researchers are

often seen as “outsiders” and untrustworthy to those working in the sex industry. Given the precarious nature of sex work, often involving elements of criminality, this distrust of researchers was always to be expected. Furthermore, and similarly to other researchers, I heard repeat instances where sex workers felt their voices and experiences had been misrepresented by researchers (Tuhiwai Smith, 1999). Negotiating access and building trust was therefore imperative and so, in following the practice of other researchers in the field, I chose to work with ‘gatekeepers’ already involved in the sex industry in its widest sense, including, for example, those involved in sex workers’ rights advocacy and activism, sex workers themselves, and organisations that worked directly with and for sex workers. The approach of working with gatekeepers is widely documented as useful, but also appropriate, in building relationships of trust with participants (Sanders, 2006; Wahab, 2003; O’Neill, 2001; McKeganey & Barnard, 1996). A desire to reach sex workers who were not connected to statutory or charitable organisations meant that the definition of gatekeepers had to be widened and had to include a ‘trust by word- of-mouth’ approach, in that current sex workers ‘vouched’ for the research, and for me personally as a researcher/sex worker rights advocate, to peers. This strategy was only effective given the personal standpoint, as a sex workers’ rights activist, that I had adopted, and the levels of volunteer time I had dedicated, particularly during the PhD years, to sex worker organizing and advocacy. Sampling strategies differed in Scotland and New Zealand and thus these are discussed separately, giving insight into the nature of each context’s sex industry, and the accessibility of each for the purposes of doing research.

New Zealand

Working with NZPC as a gatekeeper

In New Zealand, the New Zealand Prostitutes’ Collective (NZPC) was the most obvious gatekeeping organisation to approach, given its position as a sex worker-led organisation and a national service provider to sex workers across the country. The NZPC has a base in each of the main cities in New Zealand, and additionally has staff and outreach workers that travel to more remote parts of the island to meet with sex workers and provide services and support. Appreciating the pressures of working in a publicly funded organisation, I followed the example of

lead researchers in the field and offered an exchange of labour for the facilitation of access to possible research participants (Sanders, 2005). This was also offered in line with the feminist approach of ensuring reciprocity as a priority (Skeggs, 1994). However, given my status as an early PhD researcher at the time, I was aware that I did not have much to offer in the way of experience, unlike Sanders (2005) who could offer social work expertise and knowledge as part of a “research bargain” with gatekeepers. Upon initially meeting with NZPC staff and volunteers in Wellington, I opened the dialogue around what I hoped to offer in terms of time, volunteering, and any other possible work for the project while I was in New Zealand. Looking back, I think the gesture was appreciated; however, the work I ended up doing for NZPC was minimal and felt almost symbolic. I was asked to produce a resource for New Zealand sex workers that gave information about the sex industry in Scotland, as both an informative leaflet but also to detail the legal framework and ways of working should any sex workers migrate to work in Scotland. The leaflet took very little time to put together but when I questioned staff on anything else I could do, they seemed grateful for the offer but politely told me that it was more important for them for me to focus on the research study at hand as the results of the thesis could potentially add to their growing evaluative research on decriminalisation in New Zealand, which, for them, is extremely important in monitoring the impact of the law on sex worker experiences.

In exchange, NZPC staff and volunteers allowed me to accompany them on outreach visits, be present during health clinic times at the base, to meet with other services and organisations, and to visit sex working premises. I was also invited to observe meetings that took place to resolve conflicts, such as meetings with brothel operators and managers about sex worker complaints, and meetings with the police regarding complaints from residents about litter on streets where sex workers had been known to work. These experiences allowed for greater context in the fieldwork setting in New Zealand, helpful as it was a country unfamiliar to me. Furthermore, working with NZPC allowed me to propose the research and seek participation from sex workers with the pretence of being physically, and by association ‘politically’, with NZPC staff and volunteers, and thus giving a sense of trust for the participants in the research. This alone undoubtedly increased willingness of sex workers to engage and participate in the research. During outreach visits and times spent within the NZPC bases of

Wellington and Auckland, NZPC staff and volunteers tended to introduce me to sex workers as a student from Scotland who was carrying out research on the experiences of female sex workers. This introduction led me to gauge initial interest of the participant and explain more about the research if time and opportunity allowed. This strategy of facilitation of access to possible participants was extremely useful, and most interviews with participants were set up through this introduction via NZPC.

Other than being introduced to sex working women through NZPC activities, I also positioned myself in the NZPC base during busy times, including for example, when sex worker meetings were held and during healthcare clinic times and drop-in sessions. Trying to make myself useful during these times I often made the teas and coffees, and signposted people to the right place if they were visiting for the first time. Much of the time spent in these settings required a “going with the flow” attitude, and not necessarily having pre-expectations of the research. However, this presence and approach of being useful allowed for opportunities to present the research to people visiting the NZPC base, and pass on information sheets. This process was more indirect in recruiting participants to the research and took more time than being directly introduced to someone via an NZPC worker or volunteer. However, a process of snowball sampling did take place in that after some people were recruited in this way and encouraged to let their work colleagues know, more sex workers who were not in touch with NZPC contacted me and offered to participate in the research. This led to an invitation to visit three different workplaces in Wellington and one in Auckland, allowing for fieldwork observations to be recorded that developed an understanding of workplaces and associated regulations under the PRA.

Following an interview in Wellington with a long-term brothel operator and Madame, I was invited to spend more time in the brothel setting to meet sex workers none of whom were in touch with or even aware of the NZPC. This was crucial for facilitating the voices and experiences of sex workers who were working in isolation of the national collective to include a diverse range of experiences in the interviews. Following information sharing with sex workers working in the premises and gaining consent to conduct ethnographic-informed fieldwork observations within their workplace, I spent two months in an appointment-based brothel in Wellington two days a week. I initially placed

myself in the public reception room so as not to intrude too much on the working patterns of the women. However, over time, and as trust was built with sex workers and the manager, my time at the premises became more informal and less staged. As women were often in a rush to get ready for their next appointment, I was sometimes invited into the dressing area to chat while women were getting prepared. This experience allowed for the making of what felt to me more meaningful relationships with the women in the study. I began to enjoy being in the brothel environment, feeling the sense of excitement about certain appointments, joining in on the camaraderie that existed in abundance amongst the workers and the manager, and at times being around to support where things went wrong in the personal lives of the workers. Some of the women met through that particular working premise became key research participants (Tammy, Lola (1), Amy and Steph), actively involved in discussions around emerging themes. These four women were interviewed for a second time and took part in reviewing the data analysis that I had done on their transcripts and featured heavily in ethnographic- informed fieldwork notes given the time spent with these women while in New Zealand. This process felt very collaborative and allowed for a more in-depth analysis of these transcripts; however, as expected, the time taken to produce such collaborative analysis meant it was unfeasible to initiate such a process with the other research participants.

Overall data collected in New Zealand

Over the five months spent in New Zealand, 13 interviews with sex workers were conducted (with four repeated during follow up interviews), two interviews with managers and three interviews with those involved in the provision of service to sex workers. Of these, interviews, seven sex workers were approached through NZPC as the gatekeeping organization, two were approached by myself, being situated within the NZPC base, and four sex workers were interviewed following an introduction to them at their workplace. Additionally, over 150 hours of observation was collected in field notes, which ranged from time spent in the NZPC offices/base, time spent accompanying NZPC workers to outreach, collecting litter, such as used prevention commodities and their packaging, from the street, meeting with other agencies and organisations, and spending time in a sex working premise with sex workers and management. The research was

collected between Wellington and Auckland, the two main cities of New Zealand's North Island.

Time to reflect

Upon finishing the fieldwork in New Zealand, I took on employment with a global network involved in advocacy for sex workers' health, human and labour rights. I was based in Bangkok, Thailand where I spent six months working with sex workers across South-East Asia and the Pacific. Given the additional time spent away from Scotland, I decided to continue with the PhD on a part-time basis and used these six months to continue analysis of the data collected in New Zealand.

Having this break to reflect on the fieldwork experience in New Zealand was, in hindsight, extremely useful as it allowed the reading and rereading of transcripts in order to identify common sites of experience across sex worker narratives, and key emerging themes through a simple thematic analysis, which is described in more detail in the final sections of this chapter.

Scotland

Following the positive experience of doing fieldwork in New Zealand, followed by a period of time working directly with sex workers in diverse settings across South East Asia and the Pacific, I returned to Scotland enthusiastic to begin fieldwork. In Scotland, the fieldwork setting posed similar but distinct challenges in terms of relationship-building with sex workers, and a constant layered access to research participants had to be negotiated.

Working with SCOT-PEP as a gatekeeper

During the year I spent away, I continued as a SCOT-PEP Board member, and was involved through email and Skype meetings in activities of the organisation. Upon my return, I set up an initial meeting with the SCOT-PEP Board and campaign group, made up in the majority of sex workers, and discussed the research to the group following their initial acceptance to act as the main

gatekeeping organisation in the Scottish fieldwork context. Being the national sex worker-led charity in Scotland, SCOT-PEP has a large connection to a diverse group of sex workers, including, for example, women working in saunas, on the street, and privately as escorts and in flats. Although SCOT-PEP are not involved in the direct provision of services to sex workers in Scotland, their historical position as a service provider and current reputation as a strong sex worker-led charity has meant that they have continued to maintain good communication with sex workers and sex working premises throughout Scotland. Once this was reaffirmed, I began two levels of reaching out to possible research participants: joining another Board member on outreach to sex work premises, including flats and saunas in and around Edinburgh and Glasgow; and asking the sex workers in the SCOT-PEP online forum and face- to-face campaign group meetings if they would take part in an interview.

Given my role as a SCOT-PEP Board member, I was already privy to sex worker face-to-face group meetings and online/phone group conversations, but I felt an obligation to sex workers to share with them my desire to use these meetings, and online communications, as the basis for reaching out to workers to take part in an interview, and furthermore to conduct ethnographic observations. I was aware I had to set strict terms around this engagement so that it was clear when I was in this role and when I was back in my SCOT-PEP board member role. It was agreed that for a period of six months I would relinquish any decision making and governance duties tied to being a board member of SCOT-PEP, and instead participate in group discussions as an academic observer and participate only as a community activist where it was necessary (i.e. I had information that could help contribute to the community goals). The forums I observed included a monthly face-to-face meeting of sex workers where discussions amongst peers ranged across issues with law enforcement, access to services, experiences of accessing services, issues with clients and managers, general health and well-being, and many other topics that were brought into the group.

Negotiating access to research participants through SCOT-PEP was similar to the New Zealand experience in a sense that being viewed as in some way authorized by SCOT-PEP as a researcher encouraged an initial trust from sex working women. However, outwith the sex workers who actively attended SCOT-PEP

meetings and/or activities run by the charity, many sex working women either did not know about SCOT-PEP or did not trust that the charity was run by and for sex workers. Therefore, reliance on SCOT-PEP as a gatekeeper did not yield many research participants outwith the six sex working women who were part of SCOT-PEP's campaign group. Given pre-established friendships with these women, I was keen not to over-rely on their input into the research given the difficulties this could potentially have presented, and as such, these participants were engaged in only one, albeit long, interview that lasted between two to three hours.

Reaching sex workers beyond SCOT-PEP

Given the reasons presented above and the desire to avoid over-reliance on SCOT-PEP sex working members input, I sought to access research participants who were not engaged with the charity in such a formal, or in any, way. Furthermore, given SCOT-PEP's historical remit of providing services to sex workers in Edinburgh, I felt there was a gap in the data collected related to the experiences of female sex workers who resided and worked in the Glasgow area. As research was mostly conducted in the two main cities of New Zealand's North Island (Wellington and Auckland), I felt it was important to replicate, as much as possible, the focus on two major cities in Scotland. I therefore reached out to Glasgow-based service providers to enquire about advertising the research to service users. The Glasgow-based organisations and support services approached unfortunately declined to assist with facilitating access to their service users on the basis that the service users were over-researched and, following a high level of trauma in their lives, not suitable candidates for doing direct research with. I therefore adjusted the strategy for reaching sex workers in Glasgow, which involved posting on online forums that are used by sex workers (including SAAFE forum and a social media group set up by and for UK-based workers) and leaving research invites in service provision settings, including sexual health clinics and local non-sex work specific support services. This process did not lead to any recruitment of participants, symbolic of the distrust sex workers in a criminalised setting have of researchers who take on an outsider role through cold-contacting them.

Umbrella Lane

As mentioned in the introductory chapter, the frustrations of reaching sex workers,

beyond fellow sex workers' rights activists in SCOT-PEP, and in Glasgow in particular, presented a barrier to undertaking the methodological approach I envisaged at the outset of the PhD process. However, this frustration became dissolution at the lack of support services available to sex working women in Glasgow, and the stark isolation and distrust amongst sex workers. Given the levels of violence, stigma and injustice faced by sex working women, the lack of peer- support or community-based organisations in Glasgow was worrying. Furthermore, in researching social justice for sex workers in this study, I felt compelled to do something to support the enhancement of sex worker experiences and voices in decision-making that affected their lives and work. In 2014, myself and three other people who had been involved in sex worker organizing for a number of years began to organize community-led spaces and meetings of sex workers. Looking back, this was a consciousness-raising exercise as it urged sex workers to use their personal struggles to firstly support one another, and secondly to support just access to and representation of sex worker needs within pre-existing services. The development of Umbrella Lane took place slowly but organically, and a word-of-mouth pattern of trust brought more and more sex workers into the spaces and places of community communication.

In relation to fieldwork, I did not envisage Umbrella Lane to be in any way a vehicle for recruitment of research participants, which I hope is substantiated by the continued volunteer coordination of the Charity I take on. However, the process of developing sex worker-led workshops and creating the space for discussion and the ultimate set up of such a peer-led project did put me in communication with sex working women who were outwith the existing activist community of SCOT-PEP. Two of these women who participated in initial planning workshops with regards to setting up Umbrella Lane had very active social media work accounts that they offered to use as a platform to advertise the research, and thankfully this yielded three research participants. Furthermore, at this point, Umbrella Lane became a registered distributor of safer sex materials and was asked to deliver these to some local sex working premises. During one visit to a working flat, where three women worked together, we were scrutinized by one worker as to the intentions of beginning Umbrella Lane. As we explained the formation of the charity, and my research in New Zealand was discussed, the women invited me to conduct similar ethnographic-informed fieldwork observations in their workplace setting.

The three women who worked from this flat together became key research participants and adapted to similar roles taken on by the working women in the sex working premise in New Zealand (Tammy, Lola (1), Amy and Steph). In Scotland, Gracie, Dee and Lily took part in more than one interview, and also reviewed data analysis of their transcripts and discussed emergent themes and overall comparative findings as these became visible. Discussed later in this chapter, these names are pseudonyms to safeguard the anonymity of participants and are used in this study for all research participants. The input of sex working women into this stage of the research was extremely insightful and felt more participatory and ethical than extracting information and interpreting data without their input, particularly given their willingness to allow me to spend time in their workplace setting and engage with the research to the extent they did.

Summary of data collected in Scotland

In Scotland, 12 sex workers were interviewed, of which three were interviewed for a second time. Six sex workers were approached through the SCOT-PEP forums and three were approached through the social media advertisement of other sex workers who were involved in the formation of Umbrella Lane. Three sex working women were recruited through charity outreach to a sex working premise, and around 150 hours of ethnographic- informed observational field notes were recorded from online forums, during face-to-face sex worker meetings, in organizing spaces, and in a sex work premise. An appendix which outlines basic demographics of the women who participated in this research is included in Appendix Three.

In-depth Narrative interviewing

In-depth interviewing as a research technique is an intensive qualitative approach that results in large amounts of rich data. Semi-structured interviews are interviews where the researcher uses a set of general questions on a topic that is of interest to him/her. Within semi-structured interviews, Bryman suggests that there is ample scope to ask more in-depth questions in response to the interviewees' replies (Bryman, 2008), perhaps based on issues of importance that become apparent in the discussion (Perakyla and Ruussuvuori, 2011). Cole and Stewart

(2012) consider that the data collated from in-depth narratives presented through semi-structured interviewing is a feminist intervention because it is a way to overcome the maintenance of silence that surrounds oppressed people's experiences and perspectives. It was from this desire that the decision to utilise in-depth narrative interviews was made in the context of this study. The interviews were not exclusively narrative interviews, in which the focus of the interview is entirely set by the interviewee and were not semi-structured in the sense that a set list of questions was used, albeit with the possibility to explore in-depth certain aspects of interest. The interviews conducted in this study were derived from both of these techniques and took the form of in-depth, guided narrative interviews, using broad themes and areas of reflection to guide data collection in the form of narratives.

The fundamental purpose of using in-depth narrative interviews with female sex workers was to seek subjective accounts of a woman's own understanding of their experience, and in turn build new knowledge from women's lived realities. As Maynard argues, "the legitimacy of women's own understanding of their experiences is one of the hallmarks of feminism" (Maynard in Maynard and Purvis, 1994: 23). The main aim of in-depth narrative interviewing in the context of this study was to show that by allowing the research participants the space to guide the interview to a large extent, through open conversation with the researcher, and disclose narratives only when they were comfortable sharing, micrology was produced: fragments of women's narratives and re-telling of their life narratives which can in turn throw light onto broader social, cultural, and political processes (O'Neill, 2001), and the meanings participants make of these structures and experiences. Furthermore, as Porter and Bonilla (2000: 107) note, interviews with women in the sex industry are often made up of broken snippets of information due to their working schedule, which proved particularly the case in certain fieldwork settings, mainly within workplace premises. This setting for collecting data presented at times a complex negotiation with research participants in seeking their time around the often busy schedule they were operating from, either through their phone for bookings or through their manager for appointments. A relatively unstructured approach was therefore required in this research and narrative style interviewing made this more possible, allowing for the capture of often broken narratives and reflections on instances and experiences that were relevant in certain moments of the participants' lives or

days. An example of this is given in the following data collected from a day spent with Tammy in her workplace in New Zealand:

Researcher: “You seem really busy today Tammy don’t worry about this we can carry on the interview over the next few days”

Tammy: “Don’t be silly not at all. I’m not actually busy with clients, annoyingly I’m just having issues with something personally right now and well this probably isn’t that relevant to your study but yeh basically, I haven’t been feeling great lately, mentally in my head...I was just saying to [manager] that I do need to watch with certain clients, like some clients want a full-on girlfriend heart-to-heart experience and when I feel like this I find that more difficult... wait yes than just a quick appointment, that doesn’t involve too much emotionally. I’m pretty lucky in here [manager] gets it and if I say to her that I’m feeling like this she kind of screens clients for me...”

Researcher: That sounds like a positive way to deal with working around your mental health and not the other way around that’s really amazing.

Tammy: It is actually it’s a big reason I do sex work that and my physical health like I was telling you about and its why I work for [manager]. I’ve always dealt with mental ups and downs and can’t control or I guess get out of certain periods of low mood or high functioning anxiety. I couldn’t hold down a 9 to 5 job like other people, mental health is so stigmatised – worse than bloody sex work!”

[manager comes through and asks Tammy if she will see a client in 15 minutes’ time, Tammy looks at me and asks if this is okay to talk after her appointment and of course I say yes]

In the above conversation, Tammy disclosed her experience of mental health issues as this was a presenting experience she was dealing with on this day at this particular time. Although not an intentional questioning around health, the above narrative and conversational nature of the interviewing style captured Tammy’s experience, her understanding of that experience in relation to her decision to begin sex work and revealed a sense of her ability to exercise agency in her choice of work structure, including the nature of her appointments and her workplace based on the levels of support and understanding from her manager.

Most of the interviews with research participants took the form of this conversational style and enabled the exploration of the meanings and interpretations participants gave to their experiences in sex work through encouraging participant reflection on their experiences (Rice and Ezzy, 1999). Narrative interviews were flexible, loosely-structured, and directed by areas of

interest defined for exploration in the course of the interview (Britten, 1995). To loosely guide the interviews, Seidman's (2006) in-depth phenomenologically-based interviewing method was engaged, which comprises three areas of focus: "focused life history", "details of the experience" under investigation, and "reflection of the meaning" of the experience. The interview guiding schedule was developed to encourage a route through participants' lives. The guiding areas and interview questions used during the course of interviews were designed to elicit reflections on self and relationships to others (including state agents, professional and personal relationships) in the context of routes into sex work and through their working in the sex industry. The exploratory nature of the interview style aimed to allow interviewees to provide detailed descriptions of the subject matter/experience, and to reconstruct and integrate the meaning of the experience (Kvale, 1996; Patton, 1990; Seidman, 2006; Smith & Osborn, 2003). As Dodsworth (2012) found, by using open questions and a person-centred approach, a degree of freedom and flexibility of interpretation by the participant could be realised. Questions were phrased in an open-ended, nondirective manner, with probes used to encourage elaboration (Hansen, 2006). Probing and follow-up questions differed from interview to interview, but were useful in attempting to cover common ground in areas of experience that emerged as the interviews progressed. All respondents were asked for their views on the legal framework and its relationship to justice in their lives in order to acknowledge the interviewee's expertise on the inquiry concerning this thesis. In order to clarify the purpose of the interview and interview process, including a reminder about the use of a tape recorder during the session, and to establish rapport with the interviewee, short introductory conversations, termed "briefing" by Kvale (1996), were conducted at the beginning of each interview. In a similar manner, a short closing conversation, or debriefing, was conducted at the end of the interview to follow up on the participant's feelings. Debriefing was considered particularly important because of the sensitive nature of the topic and the possibility of strong emotions being evoked as the participant spoke about her sometimes challenging experiences.

The benefits of using this style of interviewing in this study were that as intended, the topic of the research was not the interview itself but rather the issues that became apparent in the discussion. The research participants' thoughts and experiences were brought to the fore by giving them the opportunity to speak in

their own words about their situation, allowing me as the researcher to gain insight into their visions, hopes and expectations for the future, as well as critiques of the past and present (Maddison & Shaw, 2012; Perakyla & Ruusuvuori, 2011).

However, the natural spontaneity of such an interviewing style posed difficulties in relation to its flexibility. During interviews it was especially tempting to pursue irrelevant but interesting topics raised by the interviewee, which in the beginning stages was garnering what felt like a wealth of such varied data that data analysis was becoming a daunting endeavor. The interview guide was thus tweaked following the first two interviews conducted, and an attempt was made to refine areas of main interest. The interview guide is included in Appendix Four.

Ethnographic-informed fieldwork observations

Carrying out ethnographic-informed fieldwork observations was an ongoing process throughout the fieldwork period in New Zealand and Scotland. This involved collecting fieldwork notes in various places and spaces. In Scotland this included online forums, face-to-face sex worker meetings and organizing spaces, and a sex work premise in Scotland. In New Zealand fieldwork observations were carried out during time spent in the NZPC offices/base, time spent accompanying NZPC workers to outreach, meetings with other agencies and organisations, and spending time in a sex working premise with sex workers and management. At the end of each evening, I typed up notes of these observations. Like Armstrong (2011), I found this experience to be a useful tool in increasing my understanding of the broader context of sex work and the broader context of women's lives. The purpose of including observations as a research method in this study was to gain a deeper understanding of the lifeworlds of women working in the sex industry. This method had to be carefully considered in terms of ethical issues, and health and safety, both for the participant and for the researcher. Sex workers are often identified as a "hard-to-reach" population (Sanders et al., 2000: 178) and thus any form of ethnographic observations around their lives or work is inherently difficult. Managed carefully however, the insights provided through ethnographic observations had the potential to provide a 'dynamic, contextualised picture' (Maher, 2000: 202). However, during the stages of data analysis, the data captured through these observations were relied upon significantly less than data captured through interviewing women.

Shortly into the fieldwork experience, I became aware that the notes I was recording were most useful in engaging with reflexivity and recording a range of emotions, perceptions and initial interpretations based on my own standpoint rather than constituting data. Similar to Armstrong (2011), I realised these feelings needed to be managed and reflected on during the fieldwork experience and in data analysis. Data collected from ethnographic informed fieldwork observations are therefore under-represented in the findings chapters as data per se but were hugely valuable in the process of reflexivity that informed data analysis processes, as explained in the later part of this chapter.

Ethical considerations and ethics in practice

The importance of reflexivity in this research cannot be emphasized enough. At every stage of the fieldwork, reflexivity played a central role: from keeping a fieldwork diary to engaging throughout with key people in the community on thoughts that were developing from the data collection. Reflexivity is often misunderstood as “a confession to salacious indiscretions”, “mere navel-gazing”, and even “narcissistic and egoistic”, the implication being that the researcher let the veil of objectivist neutrality slip (Oakely, 1992). Rather, I would argue, alongside others, that reflexivity is self-critical sympathetic introspection and the self-conscious analytical scrutiny of the self as researcher. Indeed, reflexivity is critical to the conduct of fieldwork; it induces self-discovery and can lead to insights and new hypotheses about the research questions. A more reflexive and flexible approach to fieldwork allows the researcher to be more open to challenges to their theoretical position that fieldwork almost inevitably raises and aids the constant negotiation of ethical issues present in carrying out research with a marginalised, stigmatised and, in the context of Scotland, often criminalised population.

Prior to starting the fieldwork, ethical approval was sought from the appropriate Glasgow University Ethics Committee. Initial concerns were raised with regard to my own safety carrying out the research. Any qualitative research on sensitive personal topics carries with it a degree of physical and emotional risk (Lee-Treweek & Linkogle, 2000), for both the researcher and participants. Judging on the basis of stereotypes, ethics committees often associate sex work as inextricably linked with criminal behaviour, drug use, violent male “pimps”, and

HIV. In line with these assumptions, questions were raised in response to my initial ethics application. Specific concerns were expressed about my own personal safety, despite having already made clear the steps I would take to protect myself, as I would have done had I been carrying out qualitative research with any other population group. Following, what I felt was, a high degree of additional explanation and justification, ethical approval was finally granted.

I recall feeling frustrated, as though I was being forced to buy into myths that construct sex workers as deviant and dangerous. However, I also realised that any research carries with it a degree of risk and that danger can be inadvertently encountered. O'Neill (1996), for instance, had her car damaged before testifying in court about a violent attack on a street-based sex worker that she had witnessed whilst accompanying an outreach worker. Warr (2004) described fear of passersby who would throw eggs and buckets of water at sex workers on the street. Thus, however unlikely the possibility of violence was, it had to be considered and planned for as much as possible.

Central to this was making strategic decisions about the location of interviews, whilst also ensuring the women felt comfortable with these locations. The majority of the interviews were carried out in a private room at the NZPC bases in Wellington and Auckland (New Zealand) and in a private room in SCOT-PEP's offices in Edinburgh. For interviews carried out in participants' homes or elsewhere, a friend was notified of my whereabouts before the interview took place, and when it was complete. Like sex workers described doing in their work, I also drew from my own instincts when deciding whether or not to go to people's houses to do interviews. In general, the interviews that did take place in participant's homes were actually the most relaxed and tended to go on for longer than interviews done in the premises of one of the gatekeeper organisations.

I always ensured I carried a fully charged mobile phone when meeting participants in their home, work or in a public place. I kept regular contact with my supervisors both when in Scotland and in New Zealand, where I had a temporary supervisor based in Victoria University of Wellington.

Ensuring those who took part were treated fairly and protected from exposure was also of paramount importance. Sex workers are a diverse group, and usually have separate lives away from their work. As a result of the stigma attached to sex

work, sex workers may keep their occupation a secret from close friends, family members, employers, and some government agencies. I was aware of this from the outset and considered the integrity and privacy of the women taking part in the research a critical issue. For some women, being unintentionally “outed” could mean the breakdown of personal relationships, so this was not an issue to be treated lightly.

Obtaining informed consent and ensuring privacy

All participants had the opportunity to read through an information sheet prior to being interviewed and/or observed. This information was also summarised verbally before the consent form was signed, and participants had the opportunity to ask any questions. The information sheets used are included in Appendices 5, 6 and 7. Before starting, all participants were required to sign the consent form to confirm they agreed to take part (see Appendix 8). For the purpose of confidentiality, sex workers were given the opportunity to choose a pseudonym, so they could identify themselves in the research, whilst still ensuring their responses remained private. The procedures to maintain confidentiality and obtain informed consent were the same for key informants, although it was asked if they would agree to comments being attributed to the organisation they worked for, which all key informants agreed to.

To facilitate a realistic portrayal of their experiences, participants were asked if they would allow me to record the interview using a digital voice recorder. All of the participants agreed to this, and I was surprised that there were no objections, and few concerns. All of the recordings were, however, kept in a password protected file and only I had access to them. I gave reassurances of this, which may have alleviated any initial concerns. These recordings will be destroyed within five years of the completion of the research.

It was made clear that the only limit to confidentiality was if a participant disclosed something that indicated that she, or another person, was at significant risk of imminent harm. This situation did not eventuate; however, planning for it and communicating this to participants was of great importance. Those who took part in interviews were also made aware that they had the right to withdraw from the research at any time. I hoped that in making this explicit it helped participants feel more at ease and empowered in the research process. All participants were

over the age of 18.

Thus, in the planning stages and process of carrying out this research, a number of ethical issues were considered which influenced the way in which the research was carried out. A number of strategies were employed for the purpose of protecting my own safety, and the integrity and privacy of the people I interviewed. However, the process of carrying out research is rarely straightforward. The next Section overviews an ethical limitation of the research.

Cash “Koha”

In the process of conducting this fieldwork, I became acutely aware of the sense of apathy felt by sex workers towards researchers in Scotland, and the reluctance to engage with academic research. Recognising that research findings generally take a long time to have any impact, and sometimes have very little tangible impact for participants, I felt it was important that the women received some immediate benefit from participating in the research, and also wanted to acknowledge the value of their input. To this end I provided each interviewee with a cash “koha”⁴ of £25. The use of cash incentives in sex work research has been criticised on the basis that it mimics the sex worker-client relationship since sex workers are sometimes paid by clients not just for sex but for conversation and companionship (Sanders, 2001). However, the koha provided was far less than sex workers would make seeing clients and thus did not represent financial compensation as such, but a personal thank you for their individual contribution.

The ethics of building friendships

Creating intimate relations of friendship with respondents has previously posed questions regarding the legitimate nature of research with sex workers (Sanders, 2005). Contrary to the “professional distance” (Fetterman, 1991: 94) advocated by some as necessary in field relations, at times throughout the fieldwork process I felt the relationships I built with participants meant I became privy to the working, and often private life of these women. Although this required a deeper consideration of ethics, in terms of what data would be recorded and presented in findings, for me this immersion was crucial in understanding the context within

⁴ Koha is an example of the reciprocity which is a common feature of much Māori tradition, and often involves the giving of gifts by visitors (*manuhiri*) to a host.

which sex workers worked, and the day-to-day contexts, processes and structures that they live and work within. As Denner et al., (1999) point out, partnerships with marginalised communities help to bridge cultural, ethnic, and social class divides that often prevent the incorporation of participants' perspectives in research. I thus came to consider the building of relationships, at times friendships with some participants, as a signal of the success of my original intention to immerse myself in the sex worker community, a community that I will continue to be part of following completion of the PhD project given my overall desire to be part of the destigmatisation of women involved in sex work as a feminist goal and project.

Phase Three: Data Analysis, Comparisons, and Presentation of the Findings

The third and final phase of the research was focused on the analysis of data collected in each of the fieldwork sites of Scotland and New Zealand, aiming to address the research aims. Overall, a developmental approach was taken to the collation and analysis of data, using a theoretical thematic analysis approach within the context of the macro methodological framework as described previously. In coming from an interpretative, constructionist perspective, the researcher was tasked with seeking to understand the broader social and political processes in both the positioning of sex work in law and policy, and the construction of the female sex worker, and then explore from a critical feminist standpoint how individuals apply their agency within these structures. Based on an interpretivist and constructionist approach, whereby the ontological assumption is that reality is produced historically through social, political, economic, cultural, ethnic, and gender factors (Guba, 1990), a reflexive theoretical thematic data analysis process was applied in four phases, using a combination of inductive and deductive approaches. An overview of the data analysis framework chosen is given before proceeding to outline the process of the phased approach taken in this study.

Theoretical Thematic Analysis

Thematic analysis is a method used extensively in qualitative research to identify, analyse and report patterns in data (Braun and Clarke, 2006). In conducting the

thematic analysis, meaning was sought in the accounts and/or interpretations of experiences of participants, considering how the broader social and political context impinged on these meanings (Braun and Clarke, 2006). In many instances, researchers undertaking thematic analysis have taken a passive stance, where they are guided by the data rather than pre-established hypotheses or assumptions (Rice and Ezzy, 1999). However, as Braun and Clarke (2006) assert, analysis does not take place in an epistemological vacuum, and the underlying assumptions, ideas and conceptualisations of the researcher are theorised as shaping or informing the data.

A theoretical thematic analysis takes a constructionist approach where events, realities, meanings and experiences of the participants are examined as effects of a range of discourses operating within society (Braun and Clarke, 2006). It is understood that meanings and experiences are socially produced, and the analysis “seeks to theorise the sociocultural contexts, and structural conditions, that enable the individual accounts that are provided” (Braun and Clarke, 2006: 85). The thematic analysis differs from other analytic methods that seek to describe patterns across qualitative data and generate, within and from those patterns, theories that are derived exclusively from the data. For example, interpretative phenomenological analysis, in giving primacy to the participants understanding and interpretation of their experience, will seek to develop a theory based on patterns of people’s understandings of their experiences of reality to understand the wider phenomenon in question (McLeod, 2001). Grounded theory studies, albeit coming in various forms, will seek patterns from the data and use these patterns in generating a plausible and useful theory. From a constructionist perspective, meaning and experience are socially produced and reproduced, rather than inhering within individuals (Burr, 1995). Therefore, thematic analysis conducted within a constructionist framework cannot and does not seek to focus on motivation or individual psychologies, but instead seeks to theorize the sociocultural contexts, and structural conditions, that enable the individual accounts that are provided. This study thus sits somewhat between these two approaches of interpretative phenomenological analysis (IPA) and grounded theory in that a theoretical thematic analysis approach allowed for the analysis of themes related to both the experience presented in the data and the interpretations of the experience as reflected by the participant, and these themes were analysed within the already designed theoretical framework as presented throughout the

first three chapters that reflect on the historical, social and political construction of sex work and the female sex worker, and uses this in understanding the structures that women's lived experience is lived in and through. This study therefore does not fully subscribe to the theoretical commitments of a full grounded theory approach, which requires analysis directed towards theory development (Holloway and Todres, 2003) yet does employ, like grounded theory approaches, inductive and deductive techniques of data analysis in the generation of themes that iteratively lend to theory development in the context of the research question and aims and the broader theoretical framework within which the study is based. Using this iterative approach, a thematic frame was developed in order to extract and organise data from the interviews (Appendix 9), through which primary coding of data (Shown in Appendix 10) was then read through in order to begin the comparative analysis. As described earlier, a feminist methodological approach highlights the dangers of focusing on the pursuit of an essentialised, universal 'truth', and this is underpinned in this study by the critical feminist standpoint approach acknowledged and taken. Consequently, the analytical approach adopted was interpretive and reflexive, aiming to discern coherent and compelling interpretations from the evidence gathered, while acknowledging the researcher's own distinctive intersectional gaze.

Familiarisation with the data

Immersion in the data was a continual reflexive process throughout the fieldwork. All interviews were transcribed verbatim by the researcher as soon as possible after the interview took place. The process of transcription, though time-consuming, was an essential process in familiarising myself with the data (Riessman, 1993). Some researchers even argue transcription should be seen as 'a key phase of data analysis within interpretative qualitative methodology' (Bird, 2005: 227), and be recognized as an interpretative act, where meanings are created, rather than simply a mechanical act of putting spoken sounds on paper (Lapadat and Lindsay, 1999). In line with this recognition, I approached the transcription phase as a stage of data analysis and began through this process to start taking notes and marking ideas for coding that were then returned to in subsequent phases. Perakyla and Ruussuvuori (2011) clarify that no part of the interview remains untouched by the researcher and the researcher needs to be reflexive, examining how his/her own values and social position influence not

only the interview but also the data analysis process. In the process of transcribing the interviews, a commitment was made not to tidy-up interview transcripts since such editing can result in deeper meanings being missed (DeVault, 2002).

Simultaneous interviewing and transcription enabled reflection on emerging codes, and also informed the experiences explored more in further interviews. Key patterns emerged from open and axial coding (Charmaz 2002) within a thematic analysis approach, as described in more detail in the final part of this chapter.

Rechecking back and forth between codes and themes ensured constant comparison and verification of emerging categories, allowing the building of a theory that mapped back to individual narratives (Dodsworth, in Fitzgerald and McGarry, eds, 2018). This ensured reflexivity and grounded the emerging themes and theories within the data and informed the data collection process.

Coding the New Zealand Data

Once fieldwork was completed in New Zealand, the process of coding data took place, which was concerned with identifying features of the data. Codes refer to ‘the most basic segment, or element, of the raw data or information that can be assessed in a meaningful way regarding the phenomenon’ (Boyatzis, 1998: 63). The process of coding is viewed as part of analysis (Miles and Huberman, 1994), through the organisation of data into meaningful groups (process shown in Appendix 10) (Tuckett, 2005).

At this point, certain themes were emerging from the data collated in New Zealand, mainly at the semantic explicit level, whereby themes were arising in the explicit surface meanings of the data. However, in hoping to identify more latent themes as an overall data analysis approach (Boyatzis, 1998), these emerging patterns of semantic content were not summarized at this stage to avoid interpretation or theorisation of the significance of the patterns and their broader meanings and implications (Patton, 1990). Once data was collected in Scotland, and the same phase one and two process had been conducted on the data, this was the point at which summarising and theorising and the recording of latent themes was conducted.

Latent theme identification and production involve interpretative approaches within the constructionist paradigm of this study, developed in an iterative way that involved a constant “to and fro” of reading data and ethnographic fieldwork

observation notes, writing, reflecting, reading back to the conceptual and theoretical framework as presented in the literature review, thinking and talking with select participants who had been most involved in the fieldwork stages, identifying, summarising and theorising in a circular rather than linear way. As described by Braun and Clarke (2006):

‘a thematic analysis at the latent level goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualizations and ideologies that are theorized as shaping or informing the semantic content of the data. Thus, for latent thematic analysis, the development of the themes themselves involves interpretative work, and the analysis that is produced is not just description, but is already theorized’.

Comparison Method

In contributing to the main research aim, and particularly the third research aim, phase three of the data analysis focused on comparing the ways in which the comparative legal and policy frameworks were experienced in terms of enabling or constraining sex workers access to justice, through how, and to what extent, sex work laws, policies and frameworks, in Scotland and New Zealand, support, interrupt or subvert injustice and oppression of female sex workers. The comparative element of data analysis was used to identify similarities and differences across the fieldwork settings of Scotland and New Zealand, preceded by reading these similarities and differences through the analytical framework that presents a pluralistic conceptualization of social justice as presented in Chapter Three. Utilising such an analytical framework derived from the theoretical framework was crucial in developing a comparative analysis; as stated by Norris (2009), without a guiding theoretical map, comparativists “remain stranded in Babel” (Norris: 323) and that only the development of widely shared core theoretical concepts and standardized operational measures can reduce the “cacophonous Babel” in comparative communication research (Norris: 327). By looking at the overall themes and codes that emerged from each site of fieldwork, a constant comparative method was deployed that was concerned with coding and analysing at the same time (Taylor & Bogdan, 1998). The constant comparative method is common in qualitative studies (Ellison and Weitzer, 2016) and allowed for the identification through coding of points of similarities and differences across comparative sets of data. However, as noted by Dey (1993), things are not simply “alike or related - they are alike or related in some respect or another. Distinctions are always conceptual as well as empirical - they reflect some criterion or criteria in terms of which observations are distinguished and

compared" (Dey, 1993: 96). In reading these similarities and differences through the analytical framework of social justice, a set of analytical questions were developed to aid the conceptual element of the comparison of empirical data. Drawing on the work of Gewirtz (1998), a comparative analysis was developed through examining *how and to what extent* sex work laws, policies and frameworks, support, interrupt, or subvert through:

- exploitative relationships;
- processes of marginalisation and inclusion;
- the effects of powerlessness;
- practices of cultural imperialism;
- and experiences of violence.

(Young, 1990 in Gewirtz, 1998)

The process of constant comparison led to both descriptive and explanatory categories from the data (Lincoln & Guba, 1985: 341), and drew on the tenets of justice as rights, redistribution, recognition, respect and inclusion as pivots for understanding and interpreting sex worker experiences in relation to justice. Young's framework of oppression/injustice allowed for the exploration of women's individual experiences, and the situating of these experiences within historical, social and political structures and processes in the comparative contexts of Scotland and New Zealand. Situating the comparative findings element of this study within this analysis contributes to the overarching research question that seeks to understand how, and to what extent, sex work laws, policies and frameworks, in Scotland and New Zealand, support, interrupt or subvert injustice and oppression of female sex workers.

Defining themes and constructing chapters

The process of defining and refining themes involved identifying the 'essence' of what each theme related to, both in relation to other themes and in relation to the broader concepts and theories introduced in the literature review. Broad themes identified through thematic analysis of women's narratives included; agency, risk,

engagement, stigma and violence. Whilst some of these themes overlapped across contextual settings present in women's narratives of their lived experiences, these themes allowed for women's lived experiences to form the basis of critical analysis of structural forces at play in the contexts of: women's entry into sex work, occupational health and safety, sex workers engagement with health and other support services, experiences of stigma, and recourse to justice in cases of violence. For each individual theme, a detailed analysis was developed that identified the story that each theme and context told, which included the reading back of literature in the field. In the process of constructing chapters based on these themes, drafts of constructed chapters were reviewed by the supervisors to check the consistency and accuracy of interpretations. In exploring these experiences, and analysing these through a holistic conceptualisation of justice, the material effects of sex work governance in the comparative settings of Scotland and New Zealand were illuminated and allowed for this thesis to present a comparative analysis of the ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice.

The data analysis process was at times challenging. The large amounts of and scope of data collated through fieldwork and the process of comparing the data sets was at times overwhelming. I took a lead from other researchers in the field coming from similar epistemological perspectives, and learned to embrace the sense of being overwhelmed, and I realised the truth in what Armstrong (2011) describes, that 'the complexities, contradictions, surprises, and nuances were what enriched the findings', and I found that once I had embraced the sense of chaos, the analysis and writing up of findings processes became more enjoyable.

Conclusions

It is a requirement for rigorous qualitative research that the researcher is reflexive to the role he/she plays in the social setting in which the research takes place, as well as be reflexive on their theoretical stance (Hansen, 2006). In so doing, findings are not reported nor presented as facts or a transparent window into the participants' worlds, but as interpretations of experiences and how these interpretations arose (Berg, 2004: 154). Reflexive awareness includes: being explicit about the steps taken throughout the research, and how decisions were

made; being aware of both the interaction between the interviewer and the participants; and also, how political, social and historical contexts have shaped the data collected (Green et al., 2005). By exemplifying the process I undertook in analysing and comparing the data sets, and the theoretical situation of preceding discussions, I hope to have provided insight into the researcher's interpretation of data. The following chapters move to present the findings of this study in light of the research aims.

Chapter Five - The Women | Agency & Structure in Choosing Sex Work

*‘There is neither one sex worker experience, nor one sex worker voice’
(Dodsworth, in Fitzgerald and McGarry, 2018: 68)*

Sex work, as explored through the preceding chapters, exists within a historical, social and political context and this presents women, who work in the sex industry, with a unique lens of expertise. This chapter is concerned with presenting the research participants to the reader and placing women’s lived experiences at the forefront of the findings through an exploration of the meanings they attach to their choosing of sex work. By capturing such “thick” accounts of women’s lives, and assuming the authenticity of women’s subjective accounts of their own experience, and reflections on their sex work, micrology is produced (O’Neill, 2001). In this context, micrology relates to the examining of external structures and processes through the research participant’s lived experiences. Through examining the decisions of women in this study to enter and work in the sex industry, a temporal approach to exploring the interplay between agency and structure is taken, which explores women’s decision making in the context of their past, present and future perceptions, interpretations and experiences. By taking this autobiographical journey approach to the study of women’s lived experience, it is recognized that disadvantages, and likewise privileges, accumulate over a lifespan. These include the context within which ‘people are born, grow, live, work and age, and the fundamental drivers of these conditions: the distribution of power; money; resources’ (Mamot and Bell, 2012: S4). When read through the lens of social justice, women’s narratives of their decision to begin sex work throws light onto broader social, cultural and political processes that are pertinent throughout a persons’ life. This chapter aims to address the first research aim; to explore the lived experiences of female sex workers in Scotland and New Zealand and contribute to the overall thesis aim.

In the many contexts where sex work is not viewed as an occupation, the idea of exercising agency, even within structural forces to entry, may seem paradoxical. As highlighted in the introductory chapter and further review of the literature, prostitution has come to be viewed as an institution that masks exploitation and gendered based violence, with women involved being equated to modern day slaves (Berger, 2012; Raymond, 2004; Augustin, 2007). This theory of the gendered institution of prostitution infiltrated the understanding of entry into sex work amongst prominent sex work researchers in the 1990s, who theorized women and girl's 'drift into prostitution' as passively experienced by neglected and abused children and teens (Farley, 2004; Miller, 2002; Pheterson, 1993; Stoltz et al., 2007; Vaddiparti et al., 2006; Wilson and Widom, 2010). Later research, however, contested this by revealing that such predisposing factors are 'much less important than was often expected' and typically only applicable to street-based workers (Vanwesenbeeck, 2001: 245). Research on indoor sex work further contested this notion of a linear drift into prostitution by demonstrating that the sex industry is polymorphous (Weitzer, 2012) and class stratified (Bernstein, 2007; Bruckert, 2002; Hoang, 2011).

From women's narratives in this study, three broad, yet often intersecting, motivations were identified for beginning sex work in both Scotland and New Zealand, with little difference shown between the comparative settings. These included; (1) critical events during the transition from childhood to adulthood; (2) economic need or desire; and (3) personal appeal and/or intrigue of the work. In addition, findings indicated a link between these motivations and the prospective type of sex work initially chosen, similarly in the comparative settings. The choice to begin sex work made by the women in this study was determined, to a large extent, by economic factors. Yet the opportunity structure at a particular time and place was also shaped by systemic axes of disadvantage/advantage such as class, gender and other social factors that were experienced to increase or limit a women's agency in choosing place of work and making key decisions around how to work. The chapter is structured by the three categories, identified from the data, of motivations for initial engagement in sex work, and sub-categorised by themes of additional experiences that were viewed by participants as structuring their decision within these broader motivational

categories. These sub themes include; survival through sex work, substance addiction, motherhood and desire to give children a better life, student sex work, and interpersonal fulfilment and enjoyment. The narratives of the research participants are the retrospective accounts of adults and so derive from autobiographical memory (Diamond and Marrone, 2003).

Conceptualising Agency

The concept of agency has largely been explored within the field of sociology (Coleman, 1986; Emirbayer and Mische, 1998; Hays, 1994; Sewell, 1992). Coleman's (1986) pioneering theory on agency began the founding of a theory of action by philosophers that argued, "individuals were seen as purposeful and goal directed, guided by interests and by the rewards and constraints imposed by the social environment" (Coleman 1986: 1310). Such an individualised thinking on agency proposed that societal change was thus dependent on the behaviours and actions of individuals (Coleman, 1986). The concept of agency has subsequently come to be understood as intrinsically linked to social structure, with individual action therefore embedded in the larger social structure (Hays, 1994; Sewell, 1992). Hays (1994: 64) argued that agency "can be understood as human social action involving choices among the alternatives made available by the enabling features of social structure and made possible by a solid grounding in structural constraints." From this perspective, social structures and processes can be seen to enable or disable individual agency, and thus action. Extending from these perspectives, a conceptualisation of agency is purported by Emirbayer and Mische (1998) who argue that the individual is guided by his/her past, present and possible future in exercising their agency. Thus, individuals are aware of their place within society based on their past, present circumstances and their desires for the future and, therefore, the ability of an individual to make choices is grounded within the social structure in which they are embedded. This temporal theory of agency (Emirbayer and Mische, 1998; Tomlinson et al., 2013) underpins analysis and discussion of women's choice to begin sex work in this chapter, exploring the social structures at force in their past and the impact of these in their understandings and interpretations of their present experience and future desires.

Critical events during the transition from childhood to adulthood

Women comprise the majority of participants in the sex industry globally, and simultaneously women and girls are the most vulnerable to poverty around the world (Phoenix, 2009; Abel, 2010; Gatrell, 2010). Kelly (2010) states that sex workers rarely give accounts of the broader socioeconomic structures that facilitate their entry into sex work, but their stories of family and personal hardship are most typically underpinned by poverty. Whilst this was not explicitly the case for all women in this study, participants who entered sex work at a young age (twenty-three or below) and women who first worked from the street-based sector, recounted past experiences that were underpinned by family and personal hardship which usually involved a critical life event just prior to beginning sex work, or during the transition from childhood to adulthood. A continuum of experiences of hardship, spanning childhood experiences of disruption in care, lack of positive role models, loss of persons in caring roles, homelessness and, in some cases, substance misuse and subsequent addiction issues were presented, which varyingly was felt by the women to have restricted their ability to earn money through other means, besides sex work.

Survival through sexwork

Survival sex work was common in the narratives of women in this study who began selling sex at a young age ranging from fifteen to twenty-three, often in response to experiences that led them to leave home young and find a means of survival. The term ‘survival sex work’ has become analogous, in the literature, with street-based sex work, and difficult circumstances as a result of systemic factors or personal circumstances of poverty, homelessness, drug use and mental health – circumstances that can severely limit other options and often work as push factors not only for women into sex work, but to work in dangerous circumstances (Stella Report on NSP website). Experiences of this nature were indicated in the narratives of Amy, Jewel, Katy and Nancy in New Zealand, and similarly for some women in Scotland; Rose, Lola, Gill and Adi.

Amy was raised initially by her mother following her father leaving before she

was born. Amy's mother was alcoholic, and at certain times could not look after Amy. Therefore, she spent long periods at her mum's sister's house. During these periods, Amy was sexually abused by her aunt's boyfriend and when her aunt realized what was happening she refused for Amy to be in her house anymore, blaming her for "seducing her boyfriend" (Amy). Amy was twelve, at this point, and she then entered state care before being fostered by various families until she left the care of her guardians at the age of sixteen;

"I carried that with me you know, as a young child you don't know what you did to deserve that but you think you've done something. Going into care was the best thing for me, here there and missing school and lying to friends about my mum it was just hell, really it was hell." (Amy, NZ)

Amy began selling sex during a period of homelessness, trading sex for money, food or a place to stay. Amy described this period of selling sex, at this young age, as "*survival sex work*" and compared this as "*feeling completely different*" to the sex work she does now, which is in a small parlour type brothel. The term survival was also used by Katy and Jewel in their reflecting of starting to sell sex. Katy was raised within an extended family setting ("whanau"), with many siblings and cousins. Katy is Maori, the indigenous population of New Zealand, and explained the culture within which she was raised by adoptive parents;

"In Maori whangai is like fostering. My matua whangai (adoptive parents) had many children and we were raised together in whanau (extended family). This wasn't as common as it was in older days but my mother had serious pregnancy complications and struggled to raise another child. It was a hard upbringing, but we lived together, learned together and each had our roles I guess. I never had that traditional mother figure growing up, and my grandmother died young. We didn't have a lot and what we had we worked hard for." (Katy, NZ)

Katy's feelings of being an outsider of her "whangua" were not related to her

being placed within another family to be raised, as she described above, but rather based on her becoming pregnant during her teenage years;

“I knew me and the baby were becoming a burden, I felt outside of my family and could feel resentment towards me for not being able to provide much. And so I left young and found my own *whānaungatanga*⁵ in other Maori women who were living in the same way as I was, we were surviving through sex work” (Katy, NZ)

Thus, Katy’s decision to leave home young centered on her perceived resentment from her family towards her for not being able to contribute financially, indicative perhaps of the socio-economic position of her family. This sense of surviving through sex work, at a young age, also played a part in Jewel’s narrative. Jewel was raised in a family that she referred to as “*chaotic*” and “*dysfunctional*”, primarily attributed to drug use by her mother and father. Jewel began selling sex at the age of sixteen, prior to the introduction of the PRA (2003), following running away from home;

“I began a new way of life for myself, it wasn’t the best way of life but you know what it was better than what I left. The chaos, the fights, the constant in and out of care and going back to my parents who relapsed and the fights would start again, we would be left in the house for days before we were found by the social or a neighbour would notice.” (Jewel, NZ)

Jewel’s experiences in childhood of dysfunction, attributed to parental drug use, was perceived, by Jewel, to have led her to leave home early (when she was fifteen). Kramer & Berg found that the experience of a single childhood risk factor, including parental drug/alcohol abuse, ‘appears to speed up entry into prostitution, relative to women who experience none of these risks’ (2003:525). For Jewel, this was also the case as she began a process of immersion into a group of youths who lived on the streets, with some engaging in sex work;

“I made friends quickly with a group of other kids, other runaways. We slept in abandoned buildings, we shoplifted and the boys broke into people’s houses

⁵ This is perhaps one of the strongest elements that characterizes the sex industry Māori sex workers are involved in: *whānaungatanga* (kinship) amongst workers. This emic term denotes “kinship”, but Māori often use it to connote “togetherness” modelled on genealogical tribal affiliations. *Whānaungatanga* (kinship, togetherness) amongst Māori sex workers has been noted elsewhere as a foundation of their well-being (Rose Pere, 2014). It also describes their feeling of belongingness.

and the girls stood out on the street hoping to turn a trick with men in cars there was a lot of drugs back then it fueled a lot of what we did” (Jewel, NZ)

This process of immersion into a street culture was also the experience of Nancy, who began working at the age of sixteen, during a period she described as “*a time of living precariously*”. This precarious living arrangement followed Nancy leaving home young and running away with a group of friends and living on the streets for a two-year period. Running away from home or spending more time away from home has been previously identified as a risk factor for entering sex work for underage females (McClanahan et al., 1999; Reid, 2011; Roe-Sepowitz, 2012). Furthermore, the age at which female youth first engaged in alcohol/drug use has been previously related to commercial sex work (Reid and Piquero, 2013), which was the experience of Jewel who began using substances whilst living with other homeless young people and doing sex work with other young females in the group. The women in New Zealand who entered the sex industry at a young age and began by selling sexual services on the street, detailed a history of disadvantage, interrupted education and, in some cases, periods of time spent in state care. Abel and Wahab (2017) have argued elsewhere that, for young women entering the street based sex industry at a young age, following experiences of state care or foster care, there has been a clear failing of the state system in protection of young people. Furthermore, Maori is strongly correlated with deprivation, unemployment and being a single parent (Blakely, 2012) and Maori people are disproportionately represented in the sex worker population (Abel, 2010). Thus, it would appear some structural factors created by childhood experienced disadvantage and/or identity related disadvantage, could be explained as acting as constraints on the ability of Amy, Katy and Jewel to exercise autonomy and agency in their choosing sex work, when they first began.

Rose and Lola, at the time of taking part in this study, shared a flat together to work from. It was organised by the woman who owned the flat who also worked as the receptionist/maid. They met whilst working on the street in Glasgow approximately two decades before the time of interviewing. Rose and Lola recounted similar childhood experiences, which led to similar entry points to selling sex, however both their lives took different paths in their late twenties before being reintroduced to each other in a Glasgow-based sauna. Rose’s narrative detailed a childhood of feeling neglected and, as she described “*being*

passed from pillar to post". Thirty-three when interviewed, Rose began selling sex when she was sixteen following an argument with her foster parents, and being asked to leave her home;

"...I spent my life being passed from pillar to post, between homes and families... When I was fifteen I ran away from my foster parents to be with my mum but I lasted I think four weeks at the most with her, she was a very troubled woman, she died just a few months after that from a seizure" (Rose, Scotland)

Rose later disclosed that the seizure that took her Mum's life was drug-induced and that addiction to heroin had plagued her mother throughout Rose's life. Despite describing some periods of stability in her upbringing, when her Mum was having more stable episodes, and Rose was spending time outside of care to spend with her Mum, she noted that these experiences led to a recurring process of feeling "*let down*", and interrupted her transition at certain points into foster families;

"I would just be getting settled either at the home or in a family and then my mum would reappear, you know, turning her life around. She did well sometimes for years, but inevitably she ended up going back out and I felt like holding on to the hope of us being together like a normal family actually added to the feeling of never really settling in or settling down" (Rose, Scotland)

Rose described how she had thoughts that she could rescue her Mum when she was old enough to take care of her and, when she was fifteen, Rose left her foster parents and found her Mum. However, by this stage, Rose described her Mum as "*paranoid, suicidal and just not the woman I knew anymore*". Rose described feeling alone and afraid and went to stay with another girl she had met in care who now had her own flat.

"I felt safe there and enjoyed the sense of living like an adult, drinking, talking about guys and getting dressed up, I used to go out and pass for Eighteen with X's ID and feel proper grown up" (Rose, Scotland)

The woman Rose moved in with worked as a sex worker, in the evenings, from the street in Glasgow and Rose described feeling intrigued about the men she met who bought sexual services and "*envious*" of her friend's ability to make money.

Rose described how she began to “*idolise*” her friend and one night went out with her to try working herself;

“There was a part of me that felt jealous of her for being able to do it. But also she was starting to ask for rent and I wasn’t on any benefits for housing because I was too young” (Rose, Scotland)

Rose’s intrigue into her friend’s work, coupled with her need to earn money to contribute to their housing costs, began Rose’s entry to sex work at the age of sixteen. The significance of the presence of a sex working-friend in Rose’s life mirrors previous research findings that young females who have friends that are involved in sex work are five times more likely to become involved in sex work (Tyler, 2009).

This was the beginning of a one-year period where Rose sex worked from the street. During this period, Rose met Lola. Lola was thirty-nine when interviewed, however she began selling sexual services at the age of twenty-three. Lola had a similar upbringing to Rose in that they were both raised for some time within the care system. Yet for Lola, the absence of people, whom she looked to for support following her leaving state care, was a pivotal factor in her decision to begin sex work. Lola stayed in Residential Care until she was sixteen when she left and started a college course in Nursing but dropped out when she got pregnant at seventeen and moved in with her boyfriend. Lola described her relationship, at this time with her boyfriend, as “violent and volatile”, often explained by her boyfriend’s use of drugs;

“He was selling stuff when I met him, I didn’t know that I just saw the nice clothes, he had a car and we went for nice dinners, he was a bit of a lad I knew that much but I thought when we had the baby it would miraculously calm down. I wanted the house with the picket fence I wanted a normal family for my baby” (Lola, Scotland)

Lola’s hopes for the normality she expressed were “*shattered*” when her boyfriend was charged and sent to prison for a long sentence and Lola felt “*pressured*” to pay back his debts, as she explained;

“Everyone and anyone was coming to my door, I was scared with a five year old and a one year old in the house but I was warned not to run and not to call the police or they would find me and kill me and the kids.” (Lola, Scotland)

In feeling emotionally pressured by her incarcerated boyfriend and the people she owed money to, Lola decided to seek out friends who worked in the sex industry to explore the possibility of making money “*quickly and easily*”;

I knew other women who were working on the streets and got in with a few of them who weren't using because for me I wanted to get out get money and get home, that was it” (Lola, Scotland)

Lola's circumstances, both the presence of friends involved in sex work, and emotional abuse by people around her were factors in her decision to begin sex work, a finding that mirrors previous studies of young females who enter the industry having had experience of emotional abuse by people close to them (Norton-Hawk, 2004; Tyler and Johnson, 2006; Williamson and Cluse-Tolar, 2002). However, the illusion of “*easy money*” through sex work was soon dispelled for Lola when she witnessed her friend being hit by a smashed bottle from a passer-by, and was left permanently scarred on her face. Lola recalled her feelings that led to her decision to leave Glasgow;

“I knew it was a dangerous place, but it got worse every night. Every night I saw or heard of someone else being attacked, raped or even killed, women would literally just disappear. I couldn't do it I couldn't risk my life and risk my children being raised in care without a mum so I packed our bags and I left and restarted our lives up north” (Lola, Scotland)

The presence of higher risks of violence towards street based sex workers than those working indoors, is reflective of previous findings that suggest the high visibility of street workers can lead to an increase in their experiences of violence from their pimps, customers, police officers, and members of the public (Nixon et al., 2002; Silbert and Pines, 1981). Despite also recalling high levels of violence, for Rose, the decision to remain working from the street was related to her subsequent addiction issues, as she described a three year period “*using to work and working to use*”. Rose recalled waking up in hospital one morning;

“I don't know to this day how I got there but I thank God that I did. It ended a cycle of shit that I don't even remember I just remember one day feeling glamorous and independent and the next few years just living in fucking hell on earth, drugs, sex, crack dens, misery, pure misery” (Rose, Scotland)

At this point, Rose was twenty-six years old and, upon discharge from hospital, she recalled feeling “*desperate to change the path her life was taking*”. Rose entered a women’s homeless accommodation unit where she described becoming “*sober and clean*” and hasn’t worked in the street-based sex industry since then.

Both Rose and Lola had time away from the sex industry for a number of years and worked in what they described as ‘low-paid but stable jobs’. Lola returned to Glasgow when her Mum became ill and cared for her in her Mum’s home, with her two children. In her sobriety and period spent “*living a pretty normal life*”, Rose moved in with her boyfriend who she later had a baby with. During Rose’s pregnancy, however, her boyfriend left, and she gave birth to the baby on her own. Rose recalled struggling to make ends meet financially and felt determined to give her child a better upbringing than she had. Rose began working at a Glasgow based sauna where she met Lola once more, who also explained she began to work in the sauna to make financial ends meet. At the time of interviewing, Rose and Lola were working from the same flat. They both moved to the flat following the closure of the sauna they worked in and were now close friends.

For Rose and Lola, an upbringing that involved periods of time spent in state care, and a sense of family breakdown and hardship, were common. However, the push factor into sex work arose not directly from this experience, but the circumstances that followed their leaving of the care system. Both women reflected on this transitional stage as a time when they felt “*alone*” (mentioned by both Rose and Lola) and unequipped, described by Lola as “*naive and just wanting to be loved*” and Rose as “*too impressionable*” which led her to seek “*bad role models and put them on a pedestal*”. The initial journey into sex work was one of financial necessity, and a lack of perceived alternative options and also, in both women’s situations, an undertone of coercion, by Rose’s friend and for Lola, by the boyfriend in prison who encouraged her to work to pay off his drug-related debts. Substance misuse was perceived by Rose as a factor in her sustained involvement in street-based sex work, overriding her concerns of her safety given the commonplace of violence she cited. The additional issue of substance misuse was presented in the narratives of Gill and Adi, explored below.

Substance use/addiction as motivations to begin and continue in sex work

A similar trajectory of upbringing and journeys into sex work were presented in the narratives of Gill and Adi, entailing greater levels of child abuse, emotional and sexual. Gill and Adi were of similar age between thirty-one and forty. There was a sense around both Gill and Adi that the trauma that occurred in their childhoods was something they did not want to focus on when taking part in this research, but both disclosed that emotional and sexual abuse was perpetuated against them at a young age. Gill described herself as fortunate as she explained; *“I had a very young and amazing granny who took me in and raised me as her own”*. Thus, kinship care in Gill’s experience *“undid a lot of the trauma I went through as a child”*. For Adi, who was placed in foster care at a young age, these experiences of emotional and sexual abuse and violence were described by her as a *“recurring nightmare”*.

Both women began selling sex for survival at a young age, Gill at seventeen following the death of her grandmother, and Adi at fifteen when she ran away from her most recent foster carer’s home. Gill, similar to Rose, stayed with a friend who worked from the streets in Edinburgh and Rose, in feeling the need to contribute to her friends rent and bills, began working in this way. Adi was homeless at the age of fifteen and similar to Amy, Katy and Jewel in New Zealand, in that she found other youth peers and lived and worked from the streets beginning in Edinburgh but then travelling to Manchester when she was sixteen. Her experience of homelessness and surviving while living on the street continued for another year. Both Gill and Adi recalled precarious and transient lifestyles in their late teens to early twenties, travelling around, moving from city to city, and spending time *“in bad company”* (Gill) within which selling sex was seen as *“just part of”* (Adi). The sense of precarity and chaotic living for Gill was lessened in her late twenties when she had a child. Being a single parent and feeling a sense of ease with selling sex and her ability to make good enough money, while still having time to raise her child, Gill began working in a sauna, the same sauna that she worked in at the time of interviewing. Gill explained the difference for her, between beginning to sell sex when she was seventeen and the way she began to sex work in her late twenties;

“I first sold sex to survive. I now work to earn a living, and have a decent life for me and my girl. I’m quite open now about what I do, I set boundaries, I

manage risk as much as I can and I never take chances with my health and safety. I wouldn't wish street work on anyone, it's not sex work out there its sheer desperation, you don't go out there now for business unless your high, most of the street girls are addicts it's a shame it's so dangerous. I know because I was one" (Gill, Scotland)

Gill's perception of the difference in why women choose to work outdoors compared to the reason's women work indoors was related to drug-use and the need to make money to sustain addiction. In Adi's narrative, these differences were mirrored in her perception of street work and in her own personal experience;

"I've had short periods of being clean and I've got a wee flat now. I try to avoid selling in the street because I get tied up in shit there, I use my phone and meet clients at my house or at certain pick up points, but the police are all over the street now, I only go out if I have to and twice I've been lifted lucky with nothing on me" (Adi, Scotland)

Even as a woman who disclosed using drugs regularly, Adi still viewed the streets as a place to work through desperation (*"if I have to"*). The sense of selling sex to survive was presented in Adi's narrative from the beginning of her working up until the time she was interviewed, and she commented that much of this survival was based on her need to make money to sustain an addiction to substances. Unlike Gill, Adi had no children at the time of this study, but expressed a desire to at some point in her life,

"I try to keep my nose clean I want to have stability and a family, I really want kids. But it's difficult to think of anything else I could do for money to raise a family you know" (Adi, Scotland)

Previous research findings suggest parallels with the experiences of Gill and Adi through indication that the rates of childhood physical abuse, emotional abuse, and neglect are all quite high for females who are engaged in sex work (Tyler and Johnson, 2006). Sustaining intermittent involvement in street-based sex work for Adi was the additional presenting factor of substance addiction, similar to Rose's initial experiences of beginning sex work, which echoes previous links made between drug use and street sex work (Stoltz et al., 2007; Young et al., 2000) and the perceived desirability of sex work as a way to fund drug use (Dalla, 2002).

Discussion

Street sex work is considered to be the most undesirable, stigmatised and lowliest form of sex work (Weitzer, 2005). Street sex workers have less control over their working conditions and have a higher risk of physical victimization when compared to off-street sex workers, such as those who work in indoor managed settings or those who utilize the internet to find customers or work for agencies (Weitzer, 2005). In the narratives of women who began sex work at a young age, and began by selling sexual services from the street, common linkages were made between systemic constraints and processes of disadvantage with the choice to begin sex work. For women whom this applied to, in this study, there was a common perception that their initial decision to sell sexual services was as a means of basic survival, a position they entered through critical life events that occurred, most commonly, in their transition period from childhood to adulthood. These critical life events were seen to have arisen in a lived experience context of complex, and at times intersecting, factors that culminate in disadvantage; including poverty, homelessness, family hardship or family breakdown, childhood abuse, addiction, imprisonment or other loss of carers and loved ones and personal hardship. While it is true that people do all kinds of work to survive, they are doing it to survive within the context of systemic constraints that exist on a continuum of power and privilege. It has been acknowledged that wider ecological factors of poverty and disadvantage impact on many sex workers' life choices and influence the meaning attributed to those choices (O'Neil et al., 2008; Phoenix, 2000). Systemic issues, such as those lived through by the women presented in this section, reveal a sense of oppressive structures and experiences of disadvantage that presented significant constraints on the participant's ability to exercise autonomy and agency in choosing to sex work, and choosing *how* to sex work. Weitzer (2007) distinguishes between pathways to street-based survival sex whereby selling sex is used as a survival behavior, often of young people who have left home, and pathways to indoor work, where entry is gradual and tentative and 'economic motives predominate, but [sex work] is less about survival than a desire for financial independence or upward mobility' (Weitzer, 2007: 144). This resonates with findings presented in this chapter, with the following section moving to explore women's narratives on beginning sex work in settings other than those outdoor.

Economic need or desire

In comparing the motivations for street-based sex workers with sex workers who choose indoor-setting work, Jeal and Salisbury (2007) found that economic factors, unrelated to basic survival needs or the funding of substance use, were more likely to predominate. Motivating factors highlighted include; the need to pay for living expenses, flexible hours to accommodate childcare and support dependants as a single parent (Jeal and Salisbury, 2007), and flexibility and higher hourly earnings compared to other accessible service work (Brents et al., 2010). Like all people, economic need and desire often underpins decisions to work in certain jobs, however as Benoit et al, (2017) point out, what constitutes need and desire with regards to money is often complex. That complexity is threaded through the following discussion; exploring the narratives as related to beginning sex work through economic need and/or desire in the context of the lives of the woman who identified as single parents, and then women who viewed their work as a means to support their studying. While the experiences of New Zealand and Scotland-based participants are defined by contextualising the country where the participant was living in, there was more commonality across women's narratives and motivations according to the stated factors of single parenthood, and being a student, than there were differences presented according to comparative context. This commonality is therefore reflected through presenting women's experiences alongside one another.

Motherhood and desire to give children a better life

Single-motherhood was a recurring theme across women's narratives, both in New Zealand and Scotland. Despite non-purposeful sampling, approximately 70% of the women who engaged in this study were mothers. This figure was slightly higher in Scotland, with 72% of women being mothers, compared to 57% of New Zealand participants. Moreover, in Scotland, 100% of those who were mothers were single parents, compared to only a slightly lesser 91% of the mothers in New Zealand (only Ruby disclosed that she was still in a relationship with the father of her children).

The United Kingdom and New Zealand share the commonality of single-parent households (mostly female) being at the bottom end of the scale in earnings and overall assets (O'Neill, 1997; Scrambler and Scrambler, 1997; Briar and Cheyne,

1998; Westmarland, 2006). A high number of sex workers have been found to be single-parent heads of families and further evidence reports that sex work is often chosen in the face of few other economic choices (Jeffrey and MacDonald, 2006; Phoenix, 2009; Gatrell, 2010; Abel, 2010). Economic reasons and motivations centering around a desire to create a better life for their children encapsulated the narratives of most of the mothers in this study. Twenty-six women were mothers, therefore not all narratives could be fully explored in this section, and only experiences that were directly tied to being a single parent and choosing sex work in this context are explored. For many single-mother participants, acute financial need was a driving force in the decision to begin sex work, often noted as a result of reducing social assistance, alongside low educational attainment and the limits of job prospects to offer a sustainable income to mothers with few, or any, qualifications. Others more explicitly linked their choosing of sex work as work to provide flexibility and autonomy which was required when working and raising children simultaneously. For a minority of the single-mothers in this study, sex work was chosen to allow the women to balance financial need with spending more time raising their children, with the latter being perceived as the main driver. While these structural factors, which showed some overlap in narratives, presented common reasons for participants to consider sex work as an alternative to relying solely on social welfare support, or working in another sector, there was also indication presented amongst this group of single-mothers that sex work was selected *by* them out of other acceptable occupational opportunities or state welfare reliance, rather than having the work selected *for* them by structural disadvantage and limited career options (Benoit et al, 2017). This interplay between structure and agency is discussed in the exploration of the narratives in this section of, in New Zealand; Ana, Talia, Mary, Heather, Susie, Jenny, and Isobelle, and in Scotland; Dee, Mya, Diane, Gracie, Olivia, Brooke, Danni, Cassie and Lily.

Financial Need and/or Desire Related to Raising Children

New Zealand research has shown that female sex workers are able to provide a more comfortable lifestyle for their children with more money than they could earn in other occupations which require no qualifications (Abel, 2010). This was reflected in the journeys into sex work and the decision-making processes of women in New Zealand, and similarly in Scotland, with a focus on the lack of alternative options for work given skill-set and qualification. Lack of qualifications for some women was explicitly linked to socio-economic disadvantage experienced in childhood. Ana (NZ) and Diane (Scotland), for example, spoke of being raised in extreme poverty, where often basic necessities such as food and housing was seen as a luxury;

“...we really had to fend for ourselves. We stole food, we rummaged through bins behind the local shop, we weren’t on the street but we spent a lot of time there foraging and surviving” (Ana, NZ)

“I was born and raised never far away from ending up on the streets of possil, we moved a lot when my mum got into trouble. She was a street walker. You know I admire her looking back, she never used drugs she was a real grafter she worked bloody hard for us. But Saracen Street was a violent place back then...She wanted everything for us, but in reality, aye we had nothing” (Diane, Scotland)

In both Ana and Diane’s narratives around their childhood and the extreme poverty they grew up in, a strong sense of protecting oneself and admiring their mothers for trying to give them a better life was apparent. Ana and Diane both came across in the research as strong, resilient and tough women, which fed into their reflections on beginning sex work. Ana started sex work at the age of twenty-five, following her partner leaving her with two children, and she was faced with the financial pressures of single parenthood and lack of community or family support around her;

“I was on my knees financially, no money and two kids living off benefits and it just didn’t make ends meet. My mum died when I was sixteen so I didn’t have much support around me and I stayed away from neighbours and friends after meeting [ex-partners name] because he was a big drinker and I tried to cover it up but yeh so when he left us, I thought what will I do to make money quick but not have to think about childcare?” (Ana, Scotland)

Thus, financial need played a large part in Ana's decision to begin sex work, alongside lack of social and family support and minimum perceived opportunities for work that would afford her the finances which she would need to cover the cost of childcare. A need to "*make money quick*" led Ana to beginning sex work in a managed premise where she could do her first shift in a matter of days. Diane's decision to begin sex work was equally presented as a decision made within the context of family breakdown and financial hardship and the need to provide for her children;

"As much as I tried not to I ended up in the same position as my mum. I had two kids, I was on my own, we fortunately had a roof over our heads but I was skint. I remember stealing baby formula and nappies one day in Tesco's and thinking this can't be our life. So I tried another way. I didn't stay on the streets for long though" (Diane, Scotland)

A need to buy basic necessities for her children following the breakdown of a relationship with her ex-partner structured Diane's decision to sell sexual services. What is interesting in both Ana and Diane's narratives, and unpicking their initial motivation to begin sex work (the pull factor of economic incentive), was that there were push factors involved that relate to more contextual processes at play. In Ana's case, the lack of familial support meant that she would have to fund childcare if she were to return to work. Yet her skills and experience could not secure work that would pay enough to cover the costs of childcare, while leaving her a substantive income. Social security benefits were not viewed by Ana as providing enough to live a comfortable lifestyle and thus sex work was an attractive option within her circumstances. Lack of social safety nets for single-parent women also presented an issue for Diane and worked as a push factor in her decision to sell sexual services. In both Ana and Diane's experience, personal hardship was a push factor in making the decision to begin sex work and both women reflect on a process of decision-making that reflected upon both the push and pull factors at play in their lives.

Talia, a Maori woman in New Zealand, and a single mother, reflected on a similar background that entailed poverty and related lack of opportunity; "*I've worked in lots of jobs, all basic work cleaning, caring, working in bars and cafes, I didn't get grades at school and left early*". Talia felt that her low educational attainment level limited the job opportunities she could do and felt increasing financial pressure after

her son was born. A chance proposition by a client led her to consider sex work as an option as she explained;

“I was asked by a man in a car one night if I was working and I couldn’t get the thought out of my head, how much I could make just in a quick hour so I went out the next night and got my first client. Simple as that and do you know I made more in that night than I do a full month on social [social security benefits]. How women are expected to raise a child on that amount alone is, I’d need to be working Twelve hours a day to give [her child’s name] and I an even slightly comfortable existence” (Talia, NZ)

Talia’s decision to begin sex work was thus based on financial need and desire to create a more comfortable life for her and her son, which seemed impossible on state welfare support or through the work options she had available to her due to a background of socio-economic disadvantage. For Isobelle, a similar decision-making process led her to choose sex work; *“I needed to find a job that required few qualifications but gave me the income I needed to look after myself and my kids and I needed to find one quickly when he [children’s father] left”* (Isobelle, NZ).

For Dee and Mya in Scotland, a similar trajectory was experienced, whereby state benefits were felt to be too low to live comfortably on while raising children and the prospect of available work given skill-set was not seen as financially viable. Dee, at the time of interviewing, worked in a private flat with two friends but began sex working in a managed premise, known in Edinburgh as a sauna. Dee explained her decision frankly as;

“I had two choices, live on minimum wage work, which I couldn’t even do at that point as it wouldn’t cover childminder, or live on benefits and I wouldn’t be able to give my kids any sort of life doing that. I like that they see me as a working mum, it teaches them the value of working” (Dee, Scotland)

For Mya, who recounted a time when her child’s father had full custody of their son and Mya’s way of living deteriorated through poverty she reflected;

“I literally had nothing, not a penny to my name and I was so sick of worrying about where I could spend the night. I was sleeping with men to have somewhere to stay. I thought if I can do this I could earn money from it and make it work for me” (Mya, Scotland)

For Mya, sex work offered a way out of poverty and a means to financial and by extension, personal stability;

“When he left my whole world turned upside down. I felt constantly run down, sick, working shitty jobs to make ends meet and trying to raise a baby on my own. I began drinking heavily as a way to escape and it took hold of me. I was in no fit state to be a mother” (Mya, Scotland)

When Mya’s son moved to his father full time, Mya’s drinking continued and subsequently she lost her home after failing to make rent payments. During a period of homelessness and meeting strangers to have somewhere to sleep, Mya made the decision to begin selling her sexual labour. This was at the age of twenty-five.

“It’s not the career I chose like oh I can’t wait to grow up and be a hooker. But compared to the other shitty jobs I’ve had this is actually the best job I’ve ever done. People don’t understand the impact being poor has on your self-esteem. I didn’t just find a job that I actually now enjoy, well some parts of it, being stable financially turned me life around and most importantly I can provide a home and support for my son” (Mya, Scotland)

Thus, while financial need and precarious living structured Mya’s decision to start selling her sexual labour, the work gave her a sense of stability and security that subsequently impacted on her way of living and her ability to support her child.

Financial need amongst single mothers, in this study, were not always tied to acute financial need, such as in the narratives above, and some women in this study linked their earnings to the potential to create more opportunities for their children. A desire to give children things the parents felt they needed, including material possessions, education and other opportunities were common amongst women’s understandings of their decision to begin and continue to do sex work, mainly presented in the narratives of women who initially worked independently. Narratives such as those of Isobelle’s (NZ) and Heather (NZ) displayed these motivational factors in their decisions;

‘I didn’t want my son not to have the things he needed or be the one in school without the best of the best, I didn’t want him to feel disadvantaged or poorer

than his friends” (Isobelle, NZ)

“Childhood is an expense these days, I work to pay for my children’s education and all the sports and activities they do to give them the best start in life” (Heather, NZ)

Sex work was perceived as a way, by some participants, to put their children on an equal opportunity level and status as their peers, often tied to a desire for their children to have “*the best start in life*” as described by Heather, (NZ). Gracie and Olivia, in Scotland, had similar reasons for beginning sex work in the context of giving their children a desirable childhood. For Gracie, who funded her daughter’s private education through sex work, she explained “*I wasn’t given these kinds of opportunities growing up, I want my daughter to feel like the world is at her feet*” (Gracie, Scotland). Similarly, Olivia funded her twin children to participate in extra-curricular activities as a way to ensure their opportunities for varied learning and skills;

“I encourage my children to take up different lessons and courses, the money I make allows me to choose with them what kinds of skills they want to build on. I think these things really add to the making of a child and give them opportunities to choose which path they want to go down” (Olivia, Scotland).

While financial need or desire provides motive to work in any industry, the context of single-parents in this study highlights that mothers are actively engaged in a decision-making process to begin sex work, presented often as a complex thought process. Whilst financial pull factors in the narratives were presented above, the specific considerations relevant to supporting children varied amongst the women, from providing basic necessities when experiencing acute financial need, to creating childhood opportunities through education or other activities. Huppatz (2009) found that for people living in poverty or single parents, money for survival pushes people into particular jobs. For the women presented in this section, the spectrum of reasons presented tied to financial need or a desire for supporting their children. These were closely linked to their decisions to begin working. Furthermore, this spectrum also impacted on the ways sex workers first began working, with acute financial need as presented by Ana, Diane, Talia, Dee and Mya leading to their decision to begin working, either through opportunistic sex work and a quick entry into the work, through urgent need for money (Diane, Talia, Mya) or by beginning

in a managed premise that was seen as a quick way to begin the job (Ana, Dee). For women who linked their initial decision to begin sex work as a means to offer a better standard of living, creating more opportunities for their children, a more phased and considered entry to sex work was described, which lead them to choose working independently (Isobelle, Heather and Olivia).

Not necessarily tied to the initial decision to sex work, but still perceived as a pull factor of continued engagement in sex work by single-parent women in this study, was the flexibility the type of work affords women. This flexibility was seen as a way to allow women to manage work with parenting and give women the opportunity to focus more of their time on raising their children. Flexibility and work-parenting balance were given as specific reasons for considering sex work by Susie and Jenny in New Zealand, and Brooke, Danni, Cassie and Lily, in Scotland.

For Susie, who had previously worked in a call centre, sex work offered a contrasting type of flexibility for her;

“It was night and day, in the call centre I worked 10 hour shifts and made buttons, in sex work I work maybe ten hours a week and make the same. But I choose the hours I work and if something comes up at home then I just cancel work and not the other way around” (Susie, NZ)

Jenny was also attracted to sex work for the flexibility it afforded and was particularly important for her as she was also caring for her mother. Jenny described her care responsibilities as a “*full-time job*” and thus chose sex work as a way “*to prioritise my mum and my kids and work around them*” (Jenny, NZ).

In Scotland, Brooke and Danni similarly related their decision to start sex work in the context of single-parenthood to flexibility;

“I chose the job because it allows me to be in control of my working hours so I can work around my kids and falling short of having the skills to start my own business, I chose to make myself my business, I guess that means I actually do have the skills but I got them through setting up as an independent escort” (Brooke, Scotland)

For Danni, who was made redundant from her previous job, sex work was viewed as a way to break away from the typical working hours she was used to. As she explained; “*I felt a bit stuck anyway I wanted to get out of the nine to five work patterns I’d always done and try something new that let me choose where when and*

how I work". The lack of prospect of flexible working alternatives were noted by Cassie and Lily in Scotland, which were presented as factors in their decisions to also begin working as independent escorts. Research in New Zealand suggest female sex workers perceive their work as a way to have more time available to spend with their children through flexible working hours (Abel, 2010). This was presented as a motivating factor across some of the women's narratives. The slight difference was that the women's narratives which spoke of flexibility in their sex work in New Zealand, tended to choose to work for either appointment-based managed premises (therefore not having to work shift-based hours), as private workers in shared premises with no management, or as independent escort sex workers. In Scotland, on the other hand, flexibility of sex work was only presented by women who chose to work as independent escorts, indicating a perception or reality that this type of sex work affords the most flexibility for women in Scotland. What was unquestionable from the narratives around starting sex work was that the women, even in the structural context of being single-parents, did engage in an active and often complex thought process in making the decision to start sex work, which mirrors reflections made in previous research studies of sex workers' consideration process before entering the sex industry (Sanders, 2004b).

Student Sex Workers

The experience of studying in further education settings and engaging in sex work was another common narrative by women in this study, particularly women aged between twenty-one and thirty, in both New Zealand and Scotland. There has been a recent surge of studies that have investigated sex work amongst highly educated students in Europe and the United States. Some of the findings of this study correlated with a recent trend which has been documented in the United Kingdom, France and the Netherlands, whereby students are first engaging with sex work as a way to meet financial pressures of rising tuition costs or to support themselves financially while studying (Roberts et al., 2013; Motyl, 2013; Miller, 2011). The choice between more atypical student jobs such as waitressing, has been seen as associated amongst these students with low pay and long shiftwork, and has been evidenced as a contribution factor in their decision to opt for various types of sex work (Schepes, 2017). Women in this research, who were combining sex work with studying at various levels of further education, displayed two motivational factors for initial engagement. This was firstly economic reasons, tied to a need to pay for

basic necessities such as food and rent while undertaking studies and a desire to live independently from state or parental support; or a desire to live a non-traditional student life of low economic status while studying, often associated with a further motivation of seeing sex work as an experience of adventure (Sagar et al., 2016).

In New Zealand, Steph and Lola (1) spoke of their decision to begin sex work as a means to live independently while they studied in university settings. Steph (NZ) explained, *“my parents aren’t well off and I come from a big family so there’s lots of us to support. My parents paid my tuition costs on the basis that I took on part-time work to live, which I did”*. While Lola(1)’s parents did cover the tuition costs directly for her education, her mother took on these fees in terms of a loan and Lola (1) spoke of her determination to earn the other living costs she would need, *“My mum took on a lot of debt to put me through uni and I didn’t want to add to that debt so I work to support myself as much as I can”*. Steph and Lola (1) both spoke about their initial decision to begin sex work as one that required thought and careful planning, with working around their studies being imperative to both. This led Steph to choose working in an appointment-based brothel, where she explained the benefits as;

“I can say yes or no to bookings dependent on my study and teaching schedule but my manager does all the screening and setting up of appointments, which I wouldn’t have time to do if working privately”. (Steph, NZ)

Lola (1) choose agency-arranged escorting for similar reasons as Steph that centered on her ability to choose working hours around her university schedule.

For Kay and Kelsey, who both came to New Zealand specifically to study in further education, tuition fees were experienced as the main driver for working in the sex industry. Although both women were not born in New Zealand, they both had a parent of New Zealand citizenship and thus were permitted to work under the PRA and afforded the rights and protections offered within the decriminalised framework. Kay was funded by her parents to complete her undergraduate degree in New Zealand, during which time she worked part-time as a dancer in a large commercial dance club with upstairs brothel. At the time of interviewing, Kay was working full time in the upstairs brothel to save money to fund tuition fees for her to

apply to complete a Masters degree following her successful completion of her undergraduate degree. As she explained; *“the cost of the course is about \$20,000NZ Dollars so I am working pretty flat out for six months then do a bit of travelling before starting the Masters. You can’t make that sort of money just dancing”*.

Kelsey worked in a similar large commercial brothel and similarly spoke about large tuition fees as being her main motivation to begin sex work, and her additional reasons for moving from escort-based work in her country of birth to the place of work she chose in New Zealand;

“I did a bit of escorting back home and I find the work easy enough and ideal for supplementing my student loan. But when I came to New Zealand I wanted to try a new way of working and the big places drew my attention. I think the glamour and the atmosphere are very different than the kind of escorting I did previously. I like the buzz of the dancing and the kind of competition of enticing them upstairs” (Kelsey, NZ)

At the time of interviewing, Kelsey was also completing the writing up of her PhD and balancing this work with sex work, mainly in the evenings. Rosie similarly began sex work in a large commercial dance club that operated an unregulated system of sex work prior to the PRA in 2003. Rosie began sex work at the age of twenty and worked as a dancer but took part in this side business of selling sex, behind closed doors, during private dances and/or after dancing shifts when she would work through her mobile phone by contacting men who had expressed interest in further services later in the evening. Rosie was studying for an undergraduate degree at the time and was working as she described *“to get out of a studentsville cycle of destitution”*. While described in a humorous manner, Rosie did talk about her frustrations with living as a student with little recourse to income and made the decision to begin dancing and then to offer further services from this financial desire motivation.

A similar reasoning for beginning sex work was presented by student sex workers in Scotland, Lily, Liv, Maddie and Debbie. Lily had worked since she was twenty-one and began working in her year of studying for a Masters Degree through a desire to be in a better financial position than she was in during her undergraduate years of study;

“A lot of my friends left uni and went to work and had all this money, and

nice clothes and buying flats and I just couldn't face another year of living like a poor destitute student" (Lily, Scotland)

Lily, who was twenty-nine when interviewed, had been working as an escort for eight years, first through an agency and then moving on to working independently. She explained that sex working had allowed her to continue to pursue business ideas through her early twenties, following her studies, and ultimately returned to do a second Master's degree in order to retrain. At the time of interviewing Lily was in the process of stopping sex work to focus on her new career that she explained "*was only possible because sex work allowed me to not only pay for two Masters degrees but also gave me the time to just pause and think what do I actually want to do with my life*". Lily had also become a mother during this time, and like some of the narratives presented in the previous section, Lily spoke of sex work as providing flexibility and a way to manage parenting and work balance.

Liv was living in Scotland as an international student and worked to supplement the basic subsistence payments she received from a bank loan that she had taken out to pay tuition and basic living costs. Liv worked for numerous escorting agencies during her time working and spoke of sex work as a way to fund living well, travel for fun and adventure and also travel to her home country during sessional holidays, thus going beyond economic need for basic living expenses as an international student. Maddie's entry into sex work took place during her undergraduate studying years, but was less driven by economic need than adventure and curiosity, as she explained;

"I've always been quite sexually curious I guess and I don't know the lifestyle just intrigued me so I tried it and it's taken me some time to find the best ways for me to work but overall I find it liberating, the money, the autonomy and the kind of way of living a life that isn't boring and normal" (Maddie, Scotland)

The sense of curiosity that initially encouraged Maddie's decision to try sex work was also a factor in motivating Debbie's reasoning for choosing sex work, with the additional element of it being viewed as "wrong" presenting appeal;

"I was always a bit fascinated by it you know I walked past the saunas and wondered who these women were and how they could do this work. But I found it sexy I did - maybe it was the whole knowing it's seen as wrong that drew me

in” (Debbie, Scotland)

Sex work undoubtedly still garners public perception as a clandestine industry and the work involved brings multiple layers of stigma often enmeshed with the unknown to the outsider (Pheterson, 1993). Intrigue and curiosity of this unknown world of sex work, as displayed by Maddie and Debbie, was therefore set within this context and acted as pull factors for them in making their initial decision to begin sex work.

Discussion

For the women in this study who were concurrently studying or were preparing to begin studying, sex work offered a way to provide financial support across a spectrum of economic need, from paying tuition fees, to basic living costs while studying, to a desire to live a wealthier lifestyle mainly related to further education, through a Masters or PhD. There was less onus placed on tuition costs in the narratives of Scotland-based participants than on New Zealand based women, which is likely to be indicative of the government funding of tuition fees in Scotland. However, costs associated with further education beyond undergraduate studies were highlighted by women as fundamental factors in their decision to begin sex work in both comparative settings, again assumed to be due to both contexts charging large costs of these types of further education. Amongst student sex workers however, across comparative sites of fieldwork, there was a great sense of autonomy and agency in choosing sex work that was particularly evident in women’s experiences of choosing the ways in which they wanted to work. Structural constraints seemed to have less impact on student sex workers as they did on many of the other women in this study, particularly those who began sex work to meet basic survival needs, or fund substance use, or in the context of single parenting. Student sex workers tended to speak of their multiple entry points to sex work and this spanned, brothel-based work, dancing, escorting, management setting work, and more long-term girlfriend experience type escorting. The experiences of student sex workers, in this study, also highlighted that there was much movement in the first year of sex workers between work settings, with the women making choices to adjust their ways of working to suit their needs and desires and to work around their studies, rather than a sense of sex work dictating these factors. In the UK, in 2006, media suggested that the number of sex working students doubled over the past six

years (The Guardian, 2015) and further, research in Wales found that approximately 5 percent of students in Wales work in the sex industry (Sagar et al., 2015). Students who engage in sex work are an interesting group of women to study in this context, as their socio-economic backgrounds and educational attainment levels position them as far removed from the victim trajectory that has long infiltrated understandings of female sex workers globally (Pheterson, 1993). Yet, despite their advantageous status in relation to wider job market opportunities, economic incentives still applied to the women in this study and became particularly pertinent to women who wanted to further their studies beyond undergraduate level attainment, and to live independently from their parents support. Thus, autonomy and drive to further their own education was paramount in student sex worker decisions to begin sex work in this study, alongside, for some, a curiosity or sense of adventure that played a role, elements that were more prominent however in the narratives of the women presented in the following and final section.

Sex work viewed as ‘alternative’ work

The associations of sex work as adventurous, and the display of a level of curiosity presented by some student sex workers, was more prominent in the narratives of some women who discussed the appeal of sex work as an alternative type of work, chosen for a variety of outlying reasons that didn’t seem to directly associate structural factors in their decision making. Reasons presented for initial entry amongst a minority of women in this study were based in the context of their personal intrigue and expected job satisfaction from the type of work entailed. Amongst New Zealand based women, Tammy, Linda, and Ruby, and Sophia in Scotland, narratives demonstrated that they experienced quite different motivating factors in their involvement in sex work, spanning appeal based on specific personal circumstances to intrigue and opportunity of the work itself to provide a way to care for clients, particularly those with additional needs.

Tammy (NZ) and Sophia (Scotland) displayed similar narratives around their initial decision to begin sex work that centered on a desire to travel and to work in an alternative way with people to provide comfort and companionship to those they viewed as less fortunate. Tammy, who following her studies worked in a corporate sector which she described as “very intense and stressful”, explained that this type of corporate work and the associated pressures of it were negatively impacting on

her health and general well-being. Furthermore, Tammy saw sex work as a way to support her clients who she described as predominantly working in “high-level, stressful jobs”. Tammy explained;

“I did it, the fourteen hour days, the buzzing around on coffee and just high intense stress levels all the time. I know what my clients are going through and can engage with them at their business head level but also support them in taking time out to relax, be pampered and be cared for even just for a few hours” (Tammy, NZ)

In terms of supporting her own health, Tammy described sex work as flexible and giving her the freedom that she could not get from other prospective work she perceived as available to her;

“I’d feel just like sick and anxious and just rotten all day long and so actually I wanted to work for myself and I couldn’t think of anything I could do that would be available enough, or clever enough to make me the kind of money that actually I wanted to be earning so and also it gave me the freedom” (Tammy, NZ)

Tammy’s dual desire to care for her own health and care for the well-being of her clients was similar to Linda’s decision to begin sex work. For Linda, a long period of mental health issues causing instability at work, and a perceived inability to conform to the more typical 9-to-5 work structure, led her to consider sex work as an option that would grant her more time to put self-care practices in place; “*Living with [redacted] [mental health condition] and working a regular 9 to 5 job was just causing me grief and stress. Finally, I thought my head doesn’t work like that so why should my body*”. Linda initially worked in a small owner-operated brothel (SOOB) with two other women the first two years of working, however at the time of participating in this study, was now working from her own apartment which she saved up to buy. This enabled her independence to design the apartment in a way that was accessible to clients with additional access needs. Linda was passionate about the service she provided to people with additional needs, physically and psychologically, and was enthusiastic in her work in these areas, given her own lived experiences of dealing with a mental health condition.

Sophia, while not disclosing any health concerns of her own, presented a similar passion for caring for her clients, particularly those with additional needs;

“I was learning Reiki healing at the time and therapeutic massage for pain associated with certain conditions... the type of work I do with clients, whether of a sexual nature or not, is bettering their well-being and I like the thought that I can do that for another person, particularly when that person maybe can’t meet women in the more normal ways either because they are too shy or if they have certain disabilities for example” (Sophia, NZ)

For Ruby, sex work was similarly viewed as an extension of the care she was already providing as a nurse, but her decision to begin sex work was more tied to personal circumstances at a certain point in her life. Ruby left her nursing job to do full-time sex work when her mother was diagnosed with cancer and she took on the responsibility of being her carer, as she explained; *“I couldn’t care for my mum, and [redacted] [child] while doing the shifts nursing requires and I found the transition from nursing to sex work pretty easy the closeness and intimacy I was used to in dealing with patients”* At the time of interviewing, Ruby no longer cared for her mother and her son had grown up and was financially independent, yet she never returned to nursing, as she explained, *“I like the work, I enjoy working with X [the woman she shares a premise with], and instead of looking after people 12 hour shifts, I now look after them for an hour or two a day and make double the money”*.

The idea of sex work being perceived by women with prior experience of care, either as a profession or within a personal context, is one that, while forming a minority of initial reasons to enter the sex industry within this study, threaded throughout many women’s narratives. This also applied around the meaning they attached to the labour which was performed in sex work. A full analysis of this is outwith the scope of this study, however does indicate that often women’s perceived ability to do sex work can be linked to their previous experiences of providing intimate care and support. A recent study of UK sex workers found that more than 70% had previously worked in healthcare, education or charities, roles that often involve a range of degree of care (The Guardian, 2017). The correlations between intimate care work and sex work are discussed more fully in Connelly et al, 2016, broad study of internet-based sex workers in the United Kingdom (Connelly et al., 2016). The narratives of Tammy, Sophia, Linda and Ruby show that in initial entry-based decision-making, elements of a desire to help others through care or therapeutic services can be factors in motivating involvement in sex work, and this was identified by women who specifically focused their advertising and services to meet

the needs of clients with disabilities. Furthermore, a desire to work in a way that affords the time and energy to also engage in self-care techniques drew some women to sex work, particularly where women felt pressured in previous roles and unable to attend to their own well-being.

Discussion & Conclusions

The degree to which sex workers can exercise agency in their decisions to enter and work in the sex industry has been a pivotal debate within research on sex work and prostitution (Bungay et al., 2011; Dodsworth, 2012; Jeffreys, 2008). However, as Hardy and Sanders (2015) argue, much of this literature has been two-sided in that it has tended to assert either over-deterministic accounts of women's entry into the sex industry on the one hand, or 'free choice' on the other. Whilst some exceptions, to this, have explored the interplay between agency and structure in women's decision-making power and the social relations within which their decisions are made (Bungay et al., 2011), these have tended to focus mainly on the structures and relations women are living in within the present time in which their decision to begin sex work takes place. Rather, in this chapter, by reading women's experiences of beginning sex work as presented in autobiographical narratives of their lives, a temporal approach to agency is adopted, examining women's 'iterative', 'evaluative' and 'projective' actions and decision-making in which their entry into and labour in the sex industry are orientated to differing degrees to past, present and future desires (Emirbayer and Mische, 1998; Tomlinson et al., 2013; Hardy and Sanders, 2015). While all elements are necessarily present in all agentic strategies, past and present structures appeared to most heavily enable and/or constrain women's ability to exercise agency and autonomy in both their initial decision to do sex work and further, in the ways they chose to first begin working based on presenting need at that time. However, for some, mainly student sex workers, a projective future focused decision was made to begin sex work, enabling these women to continue through their education, but with no long-term intention of remaining in sex work. Although each woman who participated in this study defined their initial decision to begin sex work as fundamentally an economic choice, across a wide spectrum of financial need, rather than coercion, this chapter highlights that these decisions were made within a particular set of social, economic and political constraints that are defined by inherent gendered power relationships.

The wealth of reasons given for beginning sex work by women in this study supports previous analyses of sex workers as a heterogeneous group of people, who begin sex work across a spectrum that is most often fundamentally underpinned by economic need and demands (O'Neill, 1997; McKeganey and Barnard, 1996). In line with the methodological considerations and theoretical underpinnings of this study, it was essential to recognize that there is not one truth but potentially multiple realities (Reinharz, 1992). Furthermore, in addressing subsequent research aims that explore the impact of legal and policy frameworks on sex workers experiences, this heterogeneity of experience is important in understanding the ways in which the laws and policies in place can have multiple, and often different effects on individual sex workers. In the debates leading up to the passing of the PRA in New Zealand, many critics warned that decriminalisation could potentially lead to an increase of people entering the sex industry. This is an argument that is often injected into prostitution regulation debates globally by those who state concern with a legitimising of sex work. However, in the official review of the impact of the PRA, five years after its implementation, the estimated number of sex workers did not rise. The review committee stated that they were satisfied that the popular assumption, that decriminalisation would increase the number of people involved in prostitution, was flawed (Abel et al., 2007). Whilst this chapter does not explicitly explore the links between the legal framework in place and this initial decision by the women to begin sex work, the irrelevance of the legal framework in this decision was notable. None of the women in New Zealand, who took part in the study, perceived the legal framework as a pull factor in their initial decision to begin sex work. Likewise, the women interviewed in Scotland did not view the laws, and associated regulatory prostitution policies, as a deterrent to beginning sex work. In line with other research on sex workers' reasons for entering the sex industry, the findings of this study suggest that reasons for beginning sex work were similar in both Scotland and New Zealand, and focused on economic need and desire, contextualized through various structures including poverty, disadvantage, opportunity and gender-related decisions based on motherhood and raising a family, most often as a single-parent. These decisions were unabated by the legal and regulatory frameworks in place. Where the legal framework did come into play however, was in the women's decision-making processes around where to work, how to work and who to work for, essentially in structuring their decisions on perceived risk and ability to manage these risks in their work. The next chapter presents findings related to risk in addressing the second

research aim.

Chapter Six - Managing Occupational Health & Safety in the Comparative Legal Frameworks

Following on from the previous chapter's exploration of women's agency in choosing to begin sex work, and contextualising these decisions within the structural factors and processes at play, this chapter moves on to explore the concept of risk in women's lived experiences of their occupational health and safety. By pivoting analysis of women's experiences of occupational health and safety within sex work, on the concept of risk perceptions, and related risk-taking or risk-minimising strategies, the impact of the legal frameworks as structural forces, were brought to light and compared within this chapter.

The concept of risk in relation to sex workers is multi-faceted and, like that of agency as explored in the previous chapter, conceptualisation varies depending on the underpinning discourse. For those who view prostitution as an institution built on, and perpetuating gender inequality and violence against women, sex work is pre-defined as a risk behaviour for those who become victimised through prostitution. Simultaneously, however, sex workers have, through various historical, political and cultural discourses, been posited as posing risk to wider society (Harris et al., 2011). This paradox of being at risk, whilst posing a risk becomes even more complex when viewed through from a critical feminist standpoint, highlighting that women in general are arguably restricted to a certain code of non-risk taking behaviours, and thus risk is constructed as the failure of women to take appropriate actions to prevent risks and danger to themselves. Indeed, as Stanko (1996: 51) points out, there are public discourses in relation to female safety that consider those women who do not follow the rules of responsibility as either; 'asking for it' or are outside the realms of public protection. In line with the structural approach taken in this study, risk is viewed and theorized as both "*an objective calculable event associated with certain actions, but relative to the individual and social circumstances*" (Sanders, 2004b: 558). This understanding of risk, as both affected by agency and structure, allows for the focus on the impact of the legal frameworks in place as supporting, interrupting or subverting women's ability to risk-manage in relation to their occupational health and safety.

The chapter begins with a conceptualization of risk in relation to women who do

sex work. Women's lived experiences of managing risk are then explored, firstly in relation to safety, examining how the laws impact on women's perceived ability to make informed decisions around how to do sex work, and which type of working arrangement to engage in. Secondly, a specific exploration of women's experiences of managing risk in the street-based sector is then presented in the two comparative legal frameworks. The third and final section of this chapter looks specifically at personal health risks and the extent to which the current laws allowed or constrained women's abilities to successfully manage these health risks. The balancing of priorities is a key theme in this chapter and threads through each section. These priorities, for the majority of women in this study, included; the desire to make money; the need to be safe, and the need to stay healthy at work. However, the weighting given to each priority differed across comparative contexts, with an additional and significant priority presented by women in their weighing up of risks; a fear of criminalisation. This chapter aims to address, most significantly, the second research aim; to critically examine the legal and policy frameworks in Scotland and New Zealand, whilst also contributing to answering the overall thesis aim.

Conceptualising Risk

Female sex workers occupy a somewhat paradoxical public perception when it comes to risk, dually constructed as both 'at risk', whilst also posing a risk to others, which can further be linked to societal anxiety about women who transgress expectations of the conventional female role (Armstrong, 2011). As Douglas (1986) notes, individuals not only assess an objective possibility of risk but also consider their own ability to react and cope. This involves individuals interpreting the world around them and reacting to risk, therefore within a set of social circumstances (Warr and Pyett, 1999). Rhodes (1997: 210) argues for a 'socially situated' paradigm of risk behaviour that encompasses both the actions of individual behaviour and the interplay with social factors, and the power dynamics present in this interplay, and thus individual risk behaviours are the result of "negotiated actions" (Rhodes, 1997: 216). Female sex workers specifically face a gendered social perception of risk. As Chan and Rigakos (2002) describe, the nature of risk for a woman's perceived risk-taking and avoidance of risk is inherently gendered:

'What constitutes risky behaviour is filtered through a masculine lens that

conditions what we identify and define as “risky”. Moreover, when women do take exceptional risks, the tendency is to conflate women’s exceptional risk taking with “amorality” as in the case of promiscuity’ (Chan and Rigakos, 2002: 743).

The gendered nature of risk thus links women’s risk-taking to specific types of behavior that often relate to female sexuality and, furthermore, infers a higher degree of individual responsibility on women to minimise the risks they face. The preoccupation of risk-avoidance in relation to female risk-taking has been related, by some, to wider assumptions of femininity and the avoidance of danger. Dominant notions of femininity tend to represent the careful avoidance of danger, they are more often portrayed as the passive victims of risk than as active risk takers’ (Lupton, 1999: 161). As Miller (1991) argues, the ‘voluntary’ nature of female risk taking must be understood within the social, economic and political situation that shapes the constraints and opportunities in women’s lives. In line with this, a contextual sociological conceptualization of risk can be understood as a decision, or action of an individual, made within a social, cultural and legal environment that can shape individual risk behavior. An individual awareness and understanding of the environment they are operating within can also impact on risk perceptions and subsequent actions, notable in women’s experiences explored in this chapter.

To manage risk, women are arguably expected by society to practice risk avoidance (Walklate, 1997). Risk-minimisation strategies were noted by women across comparative contexts, and for the majority these began even prior to beginning sex work through a process of seeking information, support and advice as to how to work safely. Significantly, only women who spoke of their decision to begin sex work in the context of survival did not present any indication that they weighed up costs and benefits beyond the acute need to make money quickly. As described in the previous chapter, this experience of beginning sex work as a means of survival, or in cases of financial desperation or acute need, was confined to women who began working in the street-based sector. The occupational health and safety risks are evidenced to present differently to indoor and outdoor sex workers (Weitzer, 2007) and thus the narratives of women, for whom this was their experience, is presented in this chapter as a specific street-based analysis of findings. The broader chapter relates more to the experiences, as presented by women in Scotland and New

Zealand, who began sex working indoors, albeit in a variety of different premise-types and across management arrangements. Key similarities and differences were present between women's experiences in Scotland and New Zealand in relation to occupational health and safety, with the differences linking to the legal frameworks in place and the subsequent risk minimisation strategies women adopted based on their weighing up of competing priorities.

Managing Risk before Starting Sex Work

Evident from the outset of women's narratives, surrounding their entry into sex work, was a process of weighing up risk through the garnering of information, advice and, in some cases, support in deciding exactly how to engage in sex work. The following discussion focuses on these concerns and considerations, and explores how the comparative legal frameworks were perceived, and experienced, to support women's access to information before beginning sex work, and their overall experience of "*feeling and being prepared*" (Danni, Scotland). A common concern for women involved in this study, was the impact of sex work on their health, safety and overall well-being. In noting the differences between sex work and other types of work, that do not attract such societal stigma or involve such intimate labour, sex workers in Scotland and New Zealand were acutely aware of the need to have access to health and safety information to make informed choices about how they wanted to work. Part of this awareness was identified in the women's discussions of the process of accessing this type of information, prior to beginning sex work. Participants noted a common feeling of "shock" during their initial appointments with clients based on the level of intimate labour that was being provided, unlike any other occupation. Heather, for example, described;

"Nobody prepares you for that first appointment you know. I think women in any part of this industry will tell you that – we all remember that first time that first client, that first moment of thinking ah what the hell am I doing [laughs]" (Heather, NZ)

The specific differences between sex work and previous work the women had engaged in were commonly noted as contributing to this element of shock, across participants, and this led many women to relate this to the importance of feeling prepared. Olivia (Scotland), for instance, drew on this importance, both in relation to managing risks and also managing emotions when beginning sex work;

“It’s so important for new girls to have all the information they can get before they walk into that situation – not just for safety reasons but for the mental part you know like dealing with the digestion of it.” (Olivia, Scotland)

Whilst women tended to speak of this shock on a personal and emotional level, the information they were likely to describe, as being important in preparation, was more concrete factual information that could practically minimize risk. Isabelle explained;

“You can’t know everything before you start, you can’t know the most important thing which is how you’re going to feel, but at least if you know all the other things like the practical things then you can deal with your emotions and see if this is the job for you.” (Isabelle, NZ)

Given the detailed accounts of women, in both contexts, of the initial shock of beginning sex work, and the need to feel as prepared as possible in order to best protect health, safety and emotional well-being in this process, it was perhaps unsurprising that many of the women, who stated that they did not have access to this sort of preparation, felt an inability to manage certain risks and thus encountered negative consequences. Mya, for example, described when she started working in a shared flat ran by a Manager;

“I worked for a flat manager and she convinced me she was there for safety reasons. Well, the people she let walk in that door did not keep me safe” (Mya, Scotland).

In Mya’s experience, in trusting a manager with her safety when she began sex work, she felt pressured to see clients who, she felt, exposed her to feeling unsafe. Mya went on to describe occasions when her manager let clients in who were under the influence of alcohol and drugs, aggressive and, on occasion, she described “*extremely violent*”. Mya linked this negative experience directly to her lack of feeling prepared, when she stated, “*If I knew what I came to learn I would never have worked for her, she had a terrible reputation amongst working girls*”.

In Liv’s experience, a similar negative beginning to sex work was spoken of when she worked for an escort agency that did not prioritise her safety;

“I didn’t realise there were so many independents out there, I thought the

safer way to work was with an agency. It definitely took me a while to find an agency that actually protected you and didn't send you to any booking that came in, it was a pretty dangerous process of trial and error for me to be honest" (Liv, Scotland)

In the above experiences of starting sex work in Scotland women entered into what they perceived as unsafe working relationships and practices, where they experienced a direct loss of autonomy in their working arrangements, and thus reduced their ability to manage risk. This ultimately impacted upon their safety in work. This commonality of experience was not confined to the workers who chose initially to work for a third party. For Scotland-based independent workers interviewed in this study, a similar yet slightly different experience of starting out was described.

The Scotland-based participants who began working either independently or through escorting agencies, where much of the work is done independently, noted related dangerous consequences of not feeling prepared when they first started working. For Lily and Cassie, a similar experience of feeling in a dangerous position due to lack of knowledge of safety strategies to put in place for appointments, was described;

"The safety precautions you build up over time and experience in the industry are just so important...these sorts of things are only really told to girls online and even though I was well versed in using the internet I don't think I really understood the importance of them until I put myself in some dodgy situations and thought oh god nobody even knows where I am" (Lily, Scotland)

"The times I've felt unsafe were mainly at the start of working, when I've rushed into an outcall booking and then realized shit, did I check their feedback, did I tell anyone where I was, I've found myself at clients houses in the middle of nowhere thinking god I could be murdered, and nobody would even know for days" (Cassie, Scotland)

Some of the women described providing services that they weren't comfortable with, as Brooke explained in her experience of providing a service, due to an initial assumption that this was expected by clients;

"...I was exhausted and sore after appointments and couldn't understand why so many clients were requesting this. Then the penny dropped that most escorts don't provide this at all and if they do it's at a charge. That's the drawbacks of starting out on your own, avoiding state attention so not asking

advice from nurses or support projects just figuring it out as you go.” (Brooke, Scotland)

Unlike Lily and Brooke, who noted that lack of information available to them had led them to feel unsafe when they began working, Brooke related her experience to a fear of seeking pre-work information. Brooke thus weighed up the risks of engaging with support projects, with her fear of “*state attention*” and felt that the need to not bring attention to herself, and her work, should be prioritised over her safety concerns.

For women in New Zealand, a contrasting picture emerged of women’s ability to access information that they felt prepared them as much as possible for working. The types of information women described acquiring before beginning sex work in New Zealand were related to health and safety, management, the law and various ways of working. Women presented a variety of ways of seeking this information prior to beginning sex work. For some, who were researching various workplaces, an initial meeting with the manager was helpful. For example, Steph described;

“[manager] told me absolutely everything I remember I had so many questions some of them she’s like oh you’ll figure that out or she’d point me to the other girls working, but she told me all about the types of clients, the types of bookings, my rights to say no at any point, the law and condoms and showed me all the safety precautions in the room”(Steph, NZ)

Steph’s manager was able to provide this information to Steph, under no fear or concern of repercussion, as what she was doing, by managing a brothel, was legal in New Zealand. This undoubtedly impacts on the ability of managers, in New Zealand, to be more open with potential sex workers, and was highlighted by many of the New Zealand based women, who worked for a manager. Furthermore, the women who spoke of meeting with several managers before making their workplace decision felt a sense of empowerment and control in this decision-making process, exemplified by Steph above and also by Tammy, who described feeling like she was interviewing the managers rather than being interviewed;

“I went for four different interviews and felt like the basic information was given to me at them really. But I did a lot of my own research too, speaking to other workers online and I got in touch with a few collectives [sex worker collectives] and then I made my decision who to work for, so really I was

interviewing them!” (Tammy, NZ)

Additionally, there were feelings related of the need to source information and advice over and above management, to ensure a broader perception was sought, which, like Tammy, many women sought through the internet, conversations with other workers online and in person, and through speaking with sex worker groups and collectives, mainly the New Zealand Prostitutes’ Collective (NZPC).

For many of the NZ-based women in this study, an appointment was attended at NZPC prior to, or just after starting to work. It was also of note that some of the women were encouraged, by their manager, to seek important health and safety information. During the fieldwork, there was the opportunity to observe many appointments between new workers and a volunteer or member of staff at NZPC. The questions asked, and discussed, ranged across issues; sexual health, safety precautions, managing emotions and relationships outside of sex work, privacy and keeping their work private to friends and family, good and bad managers to work for, types of services to offer and advice on how to carry out a session or booking with a client. The benefits of this type of appointment were noted by women in this study, as Kay explained; “*“you trust them more and the girl I saw was just so open I felt I could ask her anything, even stupid things”* (Kay, NZ). Most often these appointments are undertaken by a worker within NZPC who has sex work experience themselves, which was viewed as a great benefit for allowing an informative discussion, as Nancy explained:

“The thing about a sex worker telling another sex worker the ups and downs of it, well they don’t lie to you - they tell you how it is, it’s not glamorous most of the time and it’s very important to know that so you don’t walk in with false expectations.” (Nancy, NZ)

The environment within which women in New Zealand described accessing information, prior to sex working, was perceived as open, informative and transparent. An ease of access to necessary information to minimize risks was described by women in New Zealand who worked across various settings, and the sense of individual rights to access such information was ascribed by many to the awareness of their rights under the PRA, as Kelsey explained;

“The thing is we have rights and managers have responsibilities and girls

know that now. Some of us might still hide our work to our friends and family but we don't need to hide from police or anyone because we are not just not doing anything wrong, but we have rights to make sure we are doing it right" (Kelsey, NZ)

This sense of being rights-holders and being protected in their work was clear amongst research participants in New Zealand, even from the experience of researching information on sex work prior to making the decision to start. For women in Scotland, in contrast, the covert nature of the sex industry was very present in the narratives of the women in this study who, in an attempt to avoid bringing attention to their contemplation of starting sex work, opted to seek information in covert ways.

Various hidden ways of finding information were used by the sex workers in this study, including, most commonly, reading internet articles and forums. No woman in Scotland, within this study, disclosed speaking to a support service or health professional directly prior to beginning sex work. Under the legal framework in Scotland, the provision of this type of information to those who are investigating their options for beginning sex work could technically be seen as aiding and abetting or compelling her prostitution (Section 11(3) of the Criminal Law (Consolidation) (Scotland) Act 1995). This was a point raised by a key informant in Scotland, who worked for a sexual health project. She saw this as a barrier to the amount of support and advice she could give professionally to a person considering sex work;

"We can't do anything that could be viewed as us aiding entry into prostitution. I think this is a fault in our programmes yes, sometimes the information I would give personally to a woman would be seen as bad practice in my line of work" (Key Informant, Scotland)

Sex workers themselves, in this study, did not make this link between lack of formal information seeking practices and the legal framework, however the lack of this type of support for people, in making their decision to start sex work, could be indicative of the legal barriers to such a service in Scotland. The use of security and safety measures in sex working has been evidenced in previous studies (Armstrong, 2011; Sanders, 2005) and the importance of adopting such risk-minimising strategies was noted as essential by most of the women in this study, even prior to

beginning working. Despite the essentiality of knowledge of such strategies to minimize risks, particularly to health and safety, Scotland- based participants described an inability to resource such information, except through covert ways, for example internet forums, for fear of seeking this information given their overriding priority to avoid state attention. Thus, from the outset of women beginning sex work in this study, the different structures and frameworks in place in Scotland and New Zealand were felt to impact on women's ability to manage expected risk.

Balancing the Laws with the Prospective Workplace

For female sex workers, the level of occupational hazards in relation to safety was closely tied to the level of power and control the women felt they had in their workplace, or the working arrangement they set up. Indeed, for female sex workers, lack of power has previously been linked to lack of choice and level of risk (Barnard, 1993). The choice in where and how to do sex work was one where the interplay of power, autonomy and agency was evident, and illuminated the role of the laws around sex work in the comparative contexts in structuring this decision, and thus structuring the levels of risk felt to be adopted by sex workers.

For Scotland based participants, there was a great sense that the laws in place constrained decisions on where and how to work. Currently, if two or more sex workers share a premise to work then they are breaking the law under Section 11(5) of the Criminal Law (Consolidation) (Scotland) Act 1995. Avoiding arrest and law-breaking was prioritised by independent lone workers in this study, such as Maddie, who explained; *"I would like to work with another person, but it is currently illegal."* (Maddie, Scotland). When asked why Maddie would like to work with another person, her response was focused on the additional safety this would provide;

"Well if something happened you know someone else is there and actually it might put a client off robbing you or something worse". (Maddie, Scotland)

Sophia described a similar desire to prioritise her safety by working with another person, however chose to work alone due to the legal barrier in place, she explained;

“It would be safer for independent sex workers to be able to work together from the same flat rather than having to work in isolation.” (Sophia, Scotland). Safety was the prime concern of other independent workers in Scotland who risked arrest to work with others independently, but together from the same premise, such as Debbie who noted;

“Working two girls in a flat would help although I still take the risk and do it anyway but only recently after being in the sex industry for quite a while, so I hadn't before as wouldn't take the risk as its illegal for two girls to work together from a flat”. (Debbie, Scotland)

The shared flat that was used together by Lily, Gracie and Dee was also technically operating illegally in Scotland, a point that these three women felt extremely worried about, as encapsulated by Lily; *“I’ve been hearing a lot about flats getting raided lately and it scares the shit out of all three of us...not just the charges no more about being outed”*. Lily’s fears of arrest should their working flat be targeted by police were accompanied by fear of public outing of being a sex worker. This was later related to her fear of interference with her family, as she was a mother and feared losing custody of her child. This highlighted a deeper worry amongst women in Scotland who engaged with this study and is explored more fully in the section on accessing services. Mya, who shared a flat for work purposes but took steps to avoid working together at the same time, to avoid state attention, described the ways she could better protect herself if this type of arrangement was legal in Scotland;

“I work with a friend but it’s against the law so we don’t work at the same time so it looks like just one of us is working – If it was legal we could do so much more to keep safe, like install panic alarms, work at the same time, register the apartment as a working flat so we can call the police on bad clients or if god forbid something really awful happened”. (Mya, Scotland)

The barrier to engaging with the police, should an incident of violence occur in this type of working arrangement, was noted by many of the women in Scotland, both as their illegal working arrangement presented a deterrent to reporting violence for fear of their own criminalisation, and also as a possible way for perpetrators to blackmail and target women working in this way. This was described by Lily, who stated;

“If a client knows I’m working with another girl say, and he does something, and I threaten to report him, he could say to me – no you can’t of I’ll report you for working illegally. And he would be right!” (Lily, Scotland)

Thus, the legal framework was experienced by women who worked independently, either alone to avoid working illegally, or in a shared premise with no manager, choosing to work against the law in prioritizing their safety, as unfairly increasing their risks of violence, and deterring them from seeking formal justice through reporting should this violence occur. Safety strategies, both in terms of working with another person, and putting additional safety measures into their working flats was experienced to be hindered by the legal framework, with women describing an often careful interplay between priorities of staying safe, and avoiding criminalization or state attention of other kinds, such as being outed to other state based services.

The imagined legal arena for working with others, as described by Mya (Scotland), was the working arrangement many women in New Zealand that took part in this study adopted, described in the PRA as a small owner-operated brothel (SOOB). For the women in New Zealand that worked with friends and/or colleagues independently in a SOOB, safety concerns were given as the primary reason for working in this way, adding an additional element of safety to the strategies women used when working alone, prior to the PRA in some cases;

“We work together to keep each other safe, we still use the same precautions we did before when we all worked on our own, like trusting your instinct in hearing a client’s voice, we have buzzer entry and we all keep in touch everyday really just to check up on each other. But there’s no replacement for feeling safe than knowing someone is in the next room and if you screamed they would be there is a flash you know” (Rosie, NZ)

Further to safety reasons for working together in New Zealand, sex workers highlighted the additional benefits of companionship and company, and the ability to retain independence from a third party. Companionship and worker camaraderie were pointed out by many women, in both New Zealand and Scotland, as essential for the maintenance of individual well-being, exemplified in both Tammy and Brooke’s narratives below:

“I need the company of the other girls, it’s like you do a job that you do in secret, so you need people to work with around you to bitch and moan the way people do in any job” (Tammy, NZ)

“I use forums a lot I like to know there are other independents out there working because it’s difficult being so alone in this type of work” (Brooke, Scotland)

The importance of having a network of other workers as support was identified by women across the comparative settings, however was often noted by Scotland based participants as something they desired but found more difficult than NZ based participants to find. This was often related by Scotland based workers to not being able to work together, such as Brooke above, who instead turned to forums to gain this sense of camaraderie and peer support. Some workers in Scotland struggled to find this all together, for fear of state attention, such as Cassie, who showed frustration with what she felt as the legal barriers to this type of peer-engagement;

“I just feel like the law makes us work completely alone and stops us talking because they know if we do then we might begin to challenge. It is just so pushed underground and hidden, it’s really difficult to make friends and support each other when you’re criminalised for what you have in common” (Cassie, Scotland)

This sense of working with others was seen as an advantage of the decriminalised legal context in New Zealand by workers who chose to work in a SOOB, and also by workers who chose to work in a managed premises, either shift-based or appointment based brothel, sometimes referred to as a “parlour”, or in bigger venues that usually contained a dancers floor or area; this was often referred to as a “club”.

For the women in New Zealand who worked in a managed setting, specific and more formal safety measures were seen to mitigate risks in the workplace and were perceived to enhance women’s safety at work, such as “*security cameras, panic buttons, security staff*” (Kay, NZ) and “*managers being on the premises and buzzer entry systems to see the client first*” (Steph, NZ). These types of safety precautions in registered premises were linked directly by many women to the decriminalised framework and were experienced as positive factors in enhancing safety and security of workers. As Ana (NZ) noted;

“I’ve worked in a few different places, to be honest they all have to now under the laws make sure there is safety measures in place, but some do it better than others and I choose now to work for the place that I feel keeps us safest because I’ve got a family to think about” (Ana, NZ)

The ability and expectation of management to ensure such on-site safety measures in New Zealand was noted by NZ based women as a factor in their choosing of which management to work for. In Scotland there was a similar perception of a duty of managers in work premises to keep workers safe through the use of such precautions. Sex workers who worked in this managed sector, in Scotland, spoke of relying on safety precautions already in place within the establishment or agency. For example, in saunas, sex workers discussed the security of having a receptionist outside the room and the backup of management if a client was violent or aggressive towards them.

However the difference in Scotland's legal framework was noted to affect the extent of safety measures that managers could put in place. Legislation criminalising third parties in Scotland was experienced by Scotland-based participants, who worked in a managed setting, to hinder the ability of managers to ensure the safety of workers. Gill for example explained;

“We have a really great manager where I work, he treats us all with respect... we also know that he's technically the one who would be charged if we were to get raided so we can't expect too much of him... we asked recently for security cameras and he said no because technically this could be used as evidence of sex being sold so I kind of get that, it's his ass on the line not ours” (Gill, Scotland)

This type of awareness of the criminalisation of managers was threaded through women's narratives in Scotland, who worked for a third party, and was felt to restrict risk minimization strategies within the managed sex work sector, such as the installation of precautions like security cameras. However, for some women in Scotland who worked for third parties, the fear of criminalisation was not experienced to limit the ability to provide safety measures but experienced to dictate the type of person who was willing to manage such a premise, and thus work illegally. As Dee explained with regards to manager's financial stake in workers selection of clients;

“In the sauna you are working for someone and that person is there to make money too. So if you don't like the look of a client or are worried about the way they are acting, well I've worked in a lot of places, sometimes managers are okay with you picking and choosing, but most of the time it's “oh just get on with it” (Dee, Scotland)

The lack of control in choosing clients was a particular worry for Scotland based women who felt their manager did not run the business in a way that respected the safety of the workers, and this was directly noted by Adi, who worked previously in a sauna; *“the manager let every tom dick and harry in he also let us all use in fact he encouraged it so we couldn’t see what he was doing – just basically letting everyone in to make sure he got paid!”* The power of managers and third parties to screen and choose clients was also noted by women working for escort agencies, and again was seen to be dependent on the extent to which management cared for the safety of their workers;

“With the agency you don’t speak to the client first, so you really have to put a lot of trust in those making your bookings as to who you will meet... I’ve worked for a few agencies and you can tell the ones that actually give a shit who they are sending to your door” (Liv, Scotland)

In New Zealand, the ability to choose or refuse a client, whether working independently or for management, is enshrined as a right of the sex worker in law (PRA, 2003) and many of the sex workers in this study drew on this right in their narratives around choosing clients to mitigate risk. Ruby, for example, explained; *“It’s my choice now, I choose who I see, and I choose who I say no to and that for me well it’s my right isn’t it?”*

As noted in previous studies, sex workers respond to the risks they face with well thought through strategies to control their environment and ensure that, in the majority of cases, there is no experience of violence (Sanders, 2005d). The strategies used by the participants in this study to put in controls for violence or other risks, in their working environment, were similar to previous research findings and included, first and foremost, the location and arrangement of work their work (Whittaker and Hart, 1996). What came to light through women’s narratives in both seeking information prior to beginning sex work and in choosing their prospective workplace was that both these processes of decision-making were impacted significantly by the legal frameworks in place. Women who didn’t describe their initial engagement with sex work as a means of survival, in context of acute financial need, spoke of various ways they researched the sex industry before beginning sex work. However, in New Zealand a more open and transparent process was available to women to gain the information they felt necessary to feel equipped

to begin working in a risk-minimising way. For women in Scotland however, this information, possibly due to the laws in place, was not readily available to women and thus other, more covert ways, of seeking information were adopted, mainly through the use of the internet. A balancing of priorities was present amongst women in Scotland that led them to weigh up the risks of state attention with the risks of the sex work they were considering engaging in, and thus constrained decisions around where and how to work. As Miller (1991) argues, the ‘voluntary’ nature of female risk taking must be understood within the social, economic and political situation that shapes the constraints and opportunities in women's lives. The findings presented around women’s choosing of the sex work she engages in, within this study, highlight that these decisions are not only made within a set of social, economic and political constraints but also within legal constraints, which acted as supporting or subverting women’s ability to prioritise their occupational safety in their choosing of the prospective workplace and work arrangement.

Managing Risk and Enhancing Safety on the Street

Decision-making at the point of entry to sex work, for some women in this study was, as discussed in the previous chapter, described as a decision made in the context of acute financial need and lack of available alternatives due to a need to make money quickly. These factors played out in some women’s narratives and a clear balancing of risk was presented that focused less on workplace and work arrangement, and more on immediate need, as described in the narratives of women who began sex work in the street-based sector in the previous chapter. Although risk-minimising strategies weren’t tied to work place for these women, significant risk-avoidance strategies were described to be utilized in their work, which highlighted the significant impact of the legal frameworks these women were working within.

One of the most important safety measures adopted by all street-based workers in this study was that of screening clients and at times, trusting their “gut instinct”. For the New Zealand-based participants, an intricate process of client screening on the street was observed and narrated. In line with Armstrong’s (2011) findings, there was no sense of urgency in this screening process, where the researcher was witness to this procedure during outreach sessions. Further, in women’s descriptions of these processes of screening clients, it appeared that considerable

thought and time went into this initial encounter as Katy (NZ) described;

“We have built up ways to screen clients, we check cars for other people maybe hiding in the back, try to check if clients smell like alcohol and just chat for a bit, get a feel you know, go with your gut and that will usually keep you safe” (Katy, NZ)

The decriminalisation of street-based sex work in New Zealand means that sex workers can spend as much time as they wish standing beside the car talking with potential clients before deciding whether or not to do the job (Armstrong, 2011), and, as such, the women in this study, tended to take this time. As Talia explained;

“In a way you sometimes take extra time just because now we can, nobody can move us on and we can take all the time we need to decide if this client is risky or not, it’s important”.

The process of screening clients in Scotland however was noted to be complicated by the criminalisation of street-based sex workers. Scotland-based participants, in this study, explained that laws both targeting them and the clients, meant that to secure a job, they had to act quickly in making the decision to enter the client’s car or not (Sanders, 2004). This was noted to have become even more important by Adi, who at the time of interviewing had worked on and off the street-based sector for a number of years;

“It wasn’t so bad before because we were kind of okay by the police, they knew what we were doing and would sometimes move us on but they let us get on with it. But it’s much worse now, there are so many police around you either have to just get in and then see who you’re in a car with or like now I try to use my phone first speak to them get a feel for them then arrange a point to meet them” (Adi, Scotland)

Previous research in this area has similarly concluded that, in the contexts of criminalisation of solicitation and kerb-crawling, it is argued that sex workers must work quickly to avoid the gaze of authorities and this therefore limits the amount of time that can be spent screening clients (Barnard, 1993; Brooks-Gordon, 2006; Gorry et al., 2010; Kinnell, 2006a). For Diane, who began working on the streets, and had since moved to work indoors, the nature of policing shifts in Scotland impacted negatively on women’s abilities to screen clients;

“They just started really cracking down on it, it got quite vicious at one point, really not a nice place to work you are just jumping into cars to get away from the police it should be the other way around!” (Diane, Scotland)

Unlike the women in New Zealand who spoke of their strategic and often lengthy screening processes of clients; the women in Scotland, in having to make their decision to enter a car or not quickly to avoid state/police attention, relied more on their gut instinct and general sixth sense.

This difference in the procedures and abilities in screening clients, in the comparative settings, aligns with a wide array of research that links law enforcement practices of street-based workers to the increased pressure on sex workers to take clients without appropriate time given to screening as a safety measure. In Sydney, Australia, for example, a similar finding was highlighted that linked aggressive policing strategies to reduced time for screening clients amongst sex workers (Wotton, 2005). In the Scottish context, the dual criminalisation of both sex workers and clients, where the transaction occurs on the street, in line with other findings in this area (Sanders, 2001), was found to undermine safety strategies, as McKeganey and Barnard (1996) notes;

Sex workers taking their time in making a commitment to a transaction potentially agitate clients, as they too are vulnerable to arrest while negotiating a sexual encounter. Thus, the process of screening is jeopardised by the illegal nature of street prostitution. (p. 14)

Only one woman worked from the street at the time of being interviewed, although four women began by working in the street based sector. All four women, Gill, Adi, Rose and Lola spoke of the increased policing of the streets making this an extremely dangerous place to work from, as encapsulated by Rose; *“Unless you are desperate you just wouldn’t risk working on the street now, if you’re not arrested you will likely be murdered or raped or something hideous”* (Rose, Scotland). The fact that current street based sex workers in Scotland are underrepresented in this study presents a limitation to the comparative that could be done between the impact of the legal frameworks in Scotland and New Zealand upon women in this sector. However, reflective street-work accounts and one current narrative related to street work did highlight increasing policing and criminalisation of this type of sex work to be associated with increased risk for women working in this way.

For NZ based participants who continued to work in the street-based sector, an overall sense of heightened safety and reduced risk under decriminalisation was presented. Strategies of peer support and safety in numbers ethos was recorded by

Katy, Talia and Mary in their experiences of current street-based sex work. Mary, who had worked on the street for a number of years, spoke of adopting a “mothering role” to new workers as described; *“we check in with the new girls, make sure they’re safe you know, and tell them the rules for services and fees”*. The latter part of Mary quote, however, does feed into the findings of the potential for competition amongst street workers for clients. On the one hand, Mary saw her role as an older worker, informing and supporting newer workers; on the other hand, she, to some extent, warned the newer workers of current *“rules for services and fees”*. This could be interpreted that she was ensuring that newer workers were offering services in line with the established norms of the more long-standing workers on the street. Despite this, however, there was a tendency amongst the women engaged in this study to rely on each other for information-sharing about dangerous clients, a finding that relates with Armstrong’s (2011) research in this area. Katy spoke of her fellow workers as a form of family, as discussed in the previous chapter, and noted,

“we look after each other, we have to, even though we are safer because the police can protect us now under the laws but, we still need to look after each other out there” (Katy, NZ).

Katy’s view of the police as persons who offer protection under a decriminalised framework sat in stark contrast to the perceptions of police by women who had worked from the streets in Scotland, who described a need to hide from police in their work and saw state authorities as potential persons who would arrest them, as Adi noted; *“I never carry anything [referring to drugs or weapons] on me that could get me into trouble, because they go after you anyway for being there don’t make the charges worse that’s what I need to think”* (Adi, Scotland)

Whilst sex workers in Scotland were very clear in their view of the police, as state agents, and thus worked in ways to hide from the police; sex workers in New Zealand gave a mixed account of police engagement following the PRA. Some of the workers still gave a sense of their need to self-manage for safety and focused on information sharing to other workers in cases of violent clients, and to some extent inner- police amongst themselves. However, in some cases, there was observation of serious experiences of violence which were spoken about to the NZPC outreach worker. These were observed when accompanied on an evening outreach session. In these circumstances, the researcher felt inclined to ask these women, more directly, women if these incidents had been reported to the police and to enquire as to the police reaction. The sex workers who spoke of this violence were extremely

positive about the police handling of the situation, and explained how this felt different from the pre- decriminalisation days;

“Of course I went to the police, I felt no shame in what those pricks did to me. And I have rights now. The police got the prick, and it wasn’t just me that he’s did this to with his pals, it was other girls too. I think we all need to learn to speak up more to the police now that we can, if nothing else but to help keep each other safe” (Katy, NZ)

Whilst this was not an extensive or in-depth study into the engagement of street-based sex workers with the police, there was a clear difference between the women in Scotland, who viewed and spoke of the police as people who were likely to punish them, compared to sex workers in New Zealand, who saw the police as a protective force in ensuring their safety in working, albeit, at times, portrayed as an almost last resort if all other individual and street community strategies (such as information- sharing and, at times, collectively themselves targeting violent clients with name- calling, shouting and other less serious forms of retribution) were not enough to address a violent perpetrator.

Choosing to work from the street was therefore not presented specifically as a risk-minimising or avoidance strategy, but rather it was recognised as an often difficult place to work, within both Scotland and New Zealand. The women in New Zealand who continued in street-based work spoke of themselves as being well equipped to work in this sector, often tied to hardship and resilience building through childhood experiences, as explored in the previous chapter in these women’s narratives.

Women in Scotland spoke of trying to leave the street-based sector and for most women in this study they had undergone a successful transition to working indoors. The ability to implement safety strategies, however, were explicitly linked to the legal frameworks in place, with NZ based workers acknowledging their opportunity under the PRA to carry out vital screening checks and work together for safety. In Scotland, on the other hand, increased criminalisation and policing strategies were experienced, or viewed, to impact on women’s abilities to avoid or minimize the risks they perceived as associated with street-based sex work.

The concept of Occupational Health and Safety for sex workers has been given relatively little attention, in comparison to other areas of academic interest in relation to sex workers' lives and experiences. This is perhaps due to the often-informal nature of the sex work workplace, the associated stigma, and the frequently illegal nature of the surrounding activities (Hubbard and Prior, 2012). Regarding health and safety issues at, and during work, it is also important to note that health and safety risks/hazards may not be distributed evenly throughout the sex working community, with varying levels of autonomy, criminality, ability to insist on condom use, and working conditions differing vastly across the types of sex work people engage in (Harcourt and Donovan, 2005). Likewise, and particularly important in this study, levels of criminalisation afforded to the type of sex work engaged in, can affect the perceptions and experiences of occupational health risks for female sex workers.

The personal health risks of engaging in sex work were noted by a majority of the women in this study. Seen at times as an occupational hazard, women spoke of the fear of contraction of sexually transmitted diseases, unwanted pregnancies and other female-related health issues resultant from having frequent sexual intercourse. In looking at the ways in which the legal frameworks were experienced to structure sex workers' risks, with regards to health in their work, a key area of focus in the data was on the ability of sex workers to manage their risk of these types of health worries that they related to their occupation. Whilst it is widely acknowledged that many sex workers may still engage in increased health risk behaviours, such as having sex without a condom, research suggests that condom use amongst sex workers has increased over the last 30 years and incidents of HIV have decreased over the same period (Scambler and Paoli, 2008). The numbers of other sexually transmitted infections also remain low in the sex working community, however, the potential for transmission is high, particularly where sex workers do not get the sexual health support they require to enable them to play their role in preventing sexual health problems epidemics (Cusick and Berney, 2005).

All the women in this study were generally knowledgeable about these potential health risks associated with their work, and all women interviewed confirmed their

use of condoms with clients. Many of the women across comparative settings spoke of innovative ways to use condoms in their work that they had developed to make clients feel more “*like it’s real sex*” (Tammy, NZ). Tammy explained further her reasoning for adopting these methods;

“I like to hide the condoms in the room so it doesn’t feel too clinical and there’s lots of ways to kind of slip it on without interrupting the moment so that clients stay in that head space where it all feels more like it’s real sex” (Tammy, NZ).

Besides the techniques women spoke of, in using condoms to create an illusion for clients of a less commercial sexual relationship, women also made pertinent the importance of condoms in their work, firstly for the protection of their health, like Maddie (Scotland); “*Condoms are lifesavers for me, I do get checked regularly but it’s condoms that make me feel I can do this type of work and still protect myself from infections*” (Maddie, Scotland). Women also noted the physical barrier effect of a condom that supported an emotional disconnect from the intimate work involved;

“It isn’t just about STIs, it helps separate you from the client in the way you well I don’t do with my partner.” (Rosie, NZ)

“Whatever you can do to create a barrier in your body and your mind helps with sustaining this job.” (Danni, Scotland)

Similar across Scotland and New Zealand narratives of women in this study, condoms were viewed as a very importance “*tool of the trade*” (Jewel, NZ) and determination to use condoms was apparent for the protection of their health, and to create the psychological distance between themselves and their clients, a finding that is widely reported amongst sex workers globally (Pyett and War, 1997). The general confidence in condoms as protection of health risks was related to women’s predominant worries regarding risks to their health, which were worries concerned with non-condom use. The fear that clients would force unprotected sex or the fear that a condom could break or leak or come off, were described by many women. Gracie for example explained; “*I only worry really about condoms breaking or coming off or a client ripping it off without me noticing, you could catch anything then*” (Gracie, Scotland). Mary held a similar fear, however this was more related

to unwanted pregnancy;

“If a condom slipped off my biggest fear would be getting pregnant and not realising it until three months later at my next health check up. Now that would scare me that would feel like an intrusion of work into my personal life really” (Mary, NZ).

Despite women sometimes displaying worry about condom-related failures, the reliance on them in keeping healthy and allowing implementation of a psychological barrier lead women to discuss the importance they attached to the availability, accessibility and risks attached to condoms, being held by themselves or in their work premises. These narratives highlighted differences amongst women between Scotland and New Zealand related to legal frameworks and recent policing shifts in relation to using safer sex materials as evidence.

With the passing of the PRA (2003), the New Zealand Government’s Department of Labour developed, in partnership with the New Zealand Prostitutes’ Collective (NZPC), the Occupational Health and Safety guidelines specific to the sex industry. The guidelines, (Department of Labour, 2004), are intended for sex industry owner/operators, the self- employed, employers, managers and workers and are clearly written from a public health perspective. Included in these guidelines is information on the roles and responsibilities for all of the above mentioned groups under the PRA and the Health and Safety in Employment Act (1992), which relate at many points to the protection of public health. Requirements are listed for sex worker health, workplace amenities and psychosocial factors, such as security and safety from violence, alcohol, drugs, smoking in the workplace, complaints, employee participation and workplace documents. Operators of businesses, under the new law, are required to adopt and promote safer sex practices by taking all reasonable steps to ensure that their workers (and clients) are given health information; use “prophylactic sheaths of other appropriate barriers” and minimise the risk of acquiring or transmitting sexually transmitted infections (Section 8 of the Act).

This section of the PRA that requires cooperation by managers of sex work premises to ensure the availability and accessibility of condoms, and other safer sex materials was very much welcomed by women in New Zealand who worked in the

managed sector. For some, like Tammy, the display of such materials was perceived as a way to professionalise her workplace;

“My manager does always make sure she’s got everything we need yeh, there’s no shortage of condoms [laughs] and I think it professionalises the room you know like it’s the tool of this trade and we shouldn’t have to hide it.” (Tammy, NZ)

Other women in New Zealand noted similar benefits of managers being legally obliged to provide such necessities for workers; *“It means nobody can expect you to have unprotected sex, managers have to provide condoms, it saves us money and just normalizes it”* (Kay, NZ).

For Ana, who worked both prior to and following the introduction of the PRA in 2003, the difference this Section of the legislation has made was explained;

“Before managers could if they wanted to try to kind of make you feel like oh you don’t need a condom, you’re clean and you can treat anything sort of thing, obviously they were in it to make money and knew sometimes you might make more by not using a condom. That just doesn’t happen now to my knowledge because workplaces are regulated and managers have to make sure theres condoms and everything for the girls” (Ana, NZ)

As Ana mentioned, there is now, under the PRA, a regulation of sex work premises to ensure compliance with the occupational health and safety guidelines, which was felt to be important to encourage managers to action their responsibilities to have safer sex materials and related information displayed in workplaces. Powers of entry are granted through the PRA to both health and safety officers, and to police, meaning these establishments are regulated to some extent. Furthermore, Sections 34-41 of the PRA deal specifically with operator certificates for managers of sex work premises, which further list compliance requirements for health and safety standards. Whilst these sections of the PRA, and the obligation on managers and operators to make available and accessible safe sex materials and related information, Section 9 of the PRA, which places responsibility on both clients and sex workers to use these safer sex materials was experienced slightly less enthusiastically by the NZ based participants.

Under Section 9, sex workers and clients are compelled to take all reasonable steps to ensure that they use adequate protection during penetrative sex and minimise the

risk of acquiring or transmitting a sexually transmitted infection. Whilst some of the NZ based women in this study perceived this as a positive step, some did have concerns about the ramifications for sex workers if she was accused of not using a condom. As Steph described;

“It’s good because clients can’t ask you for sex without a condom and if they do I say it’s the law. But then the other way around I sometimes wonder if a client had it out for a worker he could technically say she didn’t use a condom – I don’t know, it just feels I guess like still a bit criminalization and makes it different to other work” (Steph, NZ)

Steph’s perception of this legal requirement for a prosthetic sheath to be used in sex work transactions was mirrored by many of the women who mentioned this and felt, on the one hand it gave them greater power in negotiating condom use with clients, yet on the other served to distinguish sex work as different and requiring specific measures that still targeted the behavior of the worker. As Tammy (NZ) further exemplified;

“I do kind of think right you say it is work, so trust us as workers to take the steps required to keep ourselves safe, rather than putting in legislation that could technically be used against us if a client was to be vindictive” (Tammy, NZ)

Whilst these types of concerns with possible legal repercussions for sex workers were displayed by women, there was an overall feeling that this part of the legislation supported sex workers to insist on condom use with clients and thus the potential negative impact on workers themselves seemed to be accepted based on the benefits. Kay (NZ) noted further that she wasn’t aware this part of the legislation could technically criminalise a sex worker and upon this being confirmed in a conversation, her response reflected a perception of the PRA as still wholly protective of sex workers;

“Oh really? Well I don’t know but the laws are there to protect us so I can’t see it being used against us like that, for me it’s basically just to give us the legal power to say no to unprotected sex in work” (Kay, NZ).

Kay’s response showed a feeling of being protected and served by the PRA, a feeling that many women in New Zealand shared, particularly with regards to supporting their occupational health and safety.

For women in Scotland, on the contrary, the lack of occupational health and safety

frameworks in some cases, and the additional risks associated with criminalisation, were experienced as increasing sex workers' fears of personal health risks associated with their work. In light of the legal framework and the illegality of sex work premises in Scotland, sex workers provide sexual services in a variety of ways and workplace settings, where no occupational health and safety guidelines are operated within, that have specific sexwork- related measures in place. The lack of formal occupational health and safety guidelines in Scotland was brought up as a desire for many women in Scotland, and some drew specifically on the New Zealand Model in this desire, like Lily;

“In New Zealand the rights of workers to protect their health are actually in guidelines because it's seen and regulated as work, whereas we are scared to have too many condoms on us or in the flat incase the police come.” (Lily, Scotland)

The absence of such regulations, or indeed policies regarding the health and safety of sex workers in Scotland, may largely arise from legal and moral stigma, along with a perception that most sex work involves females and an associated gender-based devaluation of the health and occupational needs of women. Even where sex workers work in licensed premises, for example in a sauna that operates covertly as a brothel, the public entertainment licenses, under which the premise operates, are not sex work specific and therefore operate under general Health and Safety requirements, that do not take into account issues particular to the nature of sex work. Furthermore, as detailed more fully in chapter three, licensed premises, where sex is known to be sold, have come under increased scrutiny in Scotland. At the time of carrying out interviews with sex workers in Edinburgh, the local Council was facing increasing public pressure to review their decision to license saunas and parlours that were operating as brothels. Edinburgh City Council have since revoked most of these establishments' licenses and refused to grant licenses to future saunas and parlours on the grounds that they cannot be implied to be aiding and abetting prostitution (The Scotsman, February 2014).

The increased policing of licensed saunas, alongside increased raids on sex working flats across Scotland was perceived negatively by many of the women in this study who worked in these ways. Detrimental impacts on the availability and accessibility of safer sex materials were noted in saunas, as Dee explained;

“When the saunas were raided⁷, they took the condoms as evidence of prostitution. How are we supposed to work without condoms? It’s a joke, they know what happens in here so they should at least let us be safe.” (Dee, Scotland)

The raids on licensed premises evidently left many sex workers and managers cautious with regards to having health prevention tools on the premises. The impact on manager’s willingness to have a lot of safer sex materials within the premise was also noted to have been impacted by the sauna raids;

“We used to have condoms and lube all over the place, it didn’t matter because the police and the council turned a blind eye to saunas but during the raids these were confiscated with money and mobile phones. So we are actually scrabbling about for condoms now and encouraged to hide them and not have too many” (Gill, Scotland)

When Gill was asked who she felt “*encouraged*” to hide safe sex materials from, she spoke of her manager and receptionist and their potential criminalisation, noting “*it’s them that would be charged*”. In the narratives of women who didn’t work for a third party, in this way, but shared a flat for working purposes and thus still risking criminalisation, the raids on saunas and working flats was still having an effect on their perceived ability to protect their health at work. Women who worked in this way spoke of a greater fear of police raids on their working premises and actively took steps to hide and limit anything, including safer sex materials that they thought could be used as evidence of prostitution, like Cassie explained; “*I do hide the condoms now. I never used to but if I get a knock on the door from the police I’m scared you know*” (Cassie, Scotland). Other research findings have suggested that, where management do not insist on condom use, sex workers can experience competition from other workers as well as pressure from clients to have unprotected intercourse (Pyett and Warr, 1999). This was also reflected on, in this study, by managed sex workers, mainly in saunas who reiterated the importance for management support and persistence around safer sex practices within the establishment, and the perceived decline in this management support in the context of increased policing and raids of sex work premises that have set the precedent of condoms being used as evidence of prostitution.

International guidelines on workplace measures to reduce the risk of HIV have unequivocally condemned the use of condoms as evidence of sex work (WHO,

2013). Yet, at the time of undertaking fieldwork in Scotland, sex workers were increasingly worried about police surveillance of their workplaces and noted that this was having a detrimental effect on the availability of safer sex supplies. The consequences of increased law enforcement on sex workers' reservations on having condoms and other safer-sex supplies in their workplaces was specifically reflected upon by Dee;

“Because we could be done for running a brothel in the flat – there’s only three of us but technically that’s a brothel and although they saying they are coming to check there’s no trafficking and that, really they see the condoms and lube and money and we are done.” (Dee, Scotland)

Increased law enforcement on sex work premises was also felt by some workers to have interrupted the relationship between these premises and healthcare workers that previously came in to discuss health related issues and risks with workers, as Gill noted;

“We had a good relationship with NHS Lothian they came in with the condoms and other stuff that the girls might need, yeh I guess it has made us worried about who we let in now yeh.” (Gill, Scotland)

From the healthcare workers viewpoint, a similar effect of increased policing of sex work premises was noted in a recent NHS Lothian Report on Harm Reduction, that stated healthcare workers perceived ‘a reduction in condom use among sex workers in Lothian for vaginal, oral and anal intercourse; an increase in sexually transmitted infections; and a drop in the numbers of women attending the clinic for the first time in 8 years’ (NHS Lothian, 2015). Of concern, for sex workers in Scotland in this study, was the fact that these NHS Lothian healthcare providers’ perceptions were mirrored in some women’s experiences, who noted an increase in propositions by clients for unprotected sex. Some of the women tied this increase in requests directly to the increased policing of sex work and a resulting decline in business for workers;

“Clients are scared now after the raids and all the publicity, so there has been a drop in business definitely. The scary thing is some women are desperate for the money so if they only see one client that day and he offers fifty quid more for bareback [unprotected sex] then she might take it” (Danni, Scotland)

Sex workers' abilities to negotiate and encourage condom use with clients in a context of declining business was further noted by Brooke;

"I noticed more and more clients asking for sex without condoms and I know it's because there wasn't that many [clients] about so the girls who really needed the money were doing this to survive, so it was becoming more expected you know" (Brooke, Scotland).

Some women disclosed that in light of a decline in business, linked by some to increased policing of the sex industry, or the general financial decline in the UK, they had made the decision to relax their previous rules on condom use, particularly for oral sex. For Gill, who worked in a sauna, explained;

"I used to do oral with [a condom] but following the raids we just aren't busy at the moment, so the girls offering blow job without condoms are doing better" (Gill, Scotland).

The decrease in clients in Scotland was seen to have led to greater "*competition*" (Danni) between workers, resulting in some women choosing to forego previous protective measures and take greater risks to their health in securing their earnings. Whilst no women openly disclosed that she provided unprotected sex to clients, many women noted an increase in being offered additional money for this service and in light of fewer clients, some noted the temptation had increased;

"It can be tempting you've sat there all day seen one client and then you're offered much more for sex without and I can see the temptation on really slow days" (Sophia, Scotland).

Previous ethnographic research done in Glasgow, Scotland, illuminated various accounts of why sex workers do not use condoms with clients on certain occasions (Cusick, 1998). In some instances, non-use of condoms was attributed to the urgency to earn money after a quiet shift, when shift fees were still to be paid. In other instances, non-use of condoms was because of powerlessness within a violent encounter with a client where unprotected sex was forced (Ibid). Although similar experiences were highlighted in this study, there was a clear link made by sex workers to an increase in law enforcement, with a decline in business, which was perceived to tempt some workers in balancing their health risks with their need to make money, to forego condom use. In the afore mentioned NHS Lothian Harm Reduction Report, this link between increased law enforcement and the poorer health outcomes amongst sex workers in the city was explicitly made:

The problem of unprotected intercourse may have been precipitated by fear of being found by the police to be in possession of condoms (which can be used as evidence to indicate the selling of sex). NHS Lothian supplies condoms to saunas, but since Operation Windermere, many managers of these premises are reluctant to have condoms stored there. Women who are present when NHS Lothian's outreach service attends can take condoms, but others working on other days have no supplies provided at their place of work, and may therefore have to source supplies themselves.... Compounding this risk is the problem that these venues are quieter, and some reports have indicated that women are consequently competing for work and will practice unprotected intercourse in order to generate a larger income.'

(NHS Lothian, 2015;4)

Evidence from the NHS, alongside the sex worker experiences brought up in this study, indicate a worrying situation in Scotland related to the links between increased law enforcement and safer sex practices. The use of condoms as evidence of prostitution was noted as a key barrier to public health efforts in New Zealand prior to the passing of the PRA, and, as such, public health concerns underpinned the decriminalisation model laid out (Abel, 2010). The positive effects of this focus on public health was noted in this study by key informants, managers and, most importantly, by sex workers, who felt they had access to safer sex supplies in their work without fear of criminalisation and a sense of legal empowerment to demand condom use with clients given this is a legal provision set out in the PRA. In Scotland, on the other hand, increased police enforcement tactics, such as raids on saunas and working flats, has impacted upon the availability of safer sex supplies in working premises, with both managers and sex workers expressing a feeling of fear in having these safer sex tools on site. The increased practice of law enforcement has also, perhaps as intended anecdotally, decreased clientele for sex workers. The views of sex workers, in this study, highlighted that this is driving competition between workers and leading to a lessening of ability to insist on condom use with clients, particularly when faced with economic pressure and need. The degree of control and agency sex workers were able to exert with clients to protect their health and minimize associated risks was seen as a direct consequence of increased law enforcement on sex work and having a detrimental impact on sex workers' ability to minimize the personal health risks they face in sexwork.

Discussion & Conclusions

The idea of risk as something that can and should be managed by the individual has led to multiple safety discourses arising that are often gendered in application. Women who are not sex workers are subject to these safety discourses, which play out in regulating the conduct of women generally, what to wear, which places to visit and with whom, all posited as strategies to avoid violence from strangers (Sanders, 2004). The emphasis on the woman's responsibility to keep themselves safe means that their lives are both consciously and unconsciously interwoven with safety strategies (Stanko, 1996). This, in turn, has led to an assumption that people can effectively 'avoid' being victimised should they try hard enough. Those who are not perceived as practising conventional risk avoidance are subsequently construed as bringing violence on themselves, commonly described as 'asking for it' as Lupton (2006) notes:

As discourses on risk proliferate, more and more risk-avoiding practices are required of the 'good citizen'. Risk avoidance has become a moral enterprise relating to issues of self-control, self-knowledge and self-improvement. It is deemed people's own responsibility to take note of risk warnings and act on them accordingly. The people who fail to engage in such behaviours may thus often find themselves stigmatised and subject to moral judgements. (Lupton, 2006: 14)

The dual construction of sex workers as both 'at risk' whilst also posing a risk to others can be considered linked to societal anxiety about women who defy expectations of the conventional female role (Harris et al., 2011). Furthermore, the absence of policies and frameworks that specifically regulate for the safety and health of sex workers may largely arise from moral stigma, along with a perception that most sex work involves females and an associated gender-based devaluation of the health and occupational needs of women. Sex work is pre-defined as a risk behaviour in the mainstream and it has been noted that "*the discourse of risk is applied to certain sexual behaviours and identities as a control mechanism to regulate those considered as 'Other'*" (Sanders, 2006c: 96). In comparing women's risk-taking and risk-minimisation strategies in Scotland and New Zealand, specific comparisons can be made between a decriminalised legal framework in which occupational health and safety guidelines are operationalised, with a quasi criminalised sex work setting in Scotland, where the lack of such policies or guidelines for sex workers created a structure in which sex workers are

expected to self-manage health and safety risks and feel largely unsupported by laws and policies in place in taking steps to reduce their risks.

Findings presented in this chapter suggest that women, irrespective of their journey into sex work and the reasons for their initial engagement as previously presented, actively weigh up the costs and benefits of their work setting and work arrangement to enhance their safety and minimize their health risks. Like Sanders (2005) found, the desire to reduce personal risk by female sex workers, took place alongside a balancing of other preferences, including the desire to make money; the need to be safe; and the need to stay healthy at work, with all sex workers displaying a level of self-management and awareness of risk. All women involved in this research displayed a sense of balancing these priorities in their work, and actively took possible steps both prior to and when engaging in sex work. However the risk minimisation steps that women in the comparative settings took were evidently affected by the legal frameworks in operation, which produced a somewhat contrasting ability of female sex workers in Scotland and New Zealand to enhance their safety and minimise their health risks.

Whilst NZ based participants could implement risk-minimisation strategies prior to working, and prioritise safety in choosing their workplace and working arrangement; Scotland based workers either lacked access to such pre-work support and information or did not seek this type of risk- minimising support prior to starting based on fear of state attention and possible criminalisation. Whittaker and Hart (1996) describe the nature of indoor sex markets and the different types of risk that women face indoors compared to those on the street. This appeared to be the case in this study, with women working previously or at the time of interviewing on the street displaying specific risk- minimisation strategies aligned to the street-based sector. For women in this study who began working and for some continued working in the street-based sector, safety strategies were experienced to be significantly impeded by criminalisation and increased policing in Scotland. These echo previous analyses of street based sex workers' ability to employ safety strategies in criminalised contexts. The women in Scotland who had experience of working from the street felt that police were actively pursuing women with an aim to arrest them (Benson and Matthews, 2000; Brents & Sanders, 2010; Hubbard, 2004; Rosen & Venkatesh, 2008; Sagar, 2007; Sanders, 2004a; Sullivan, 2008; Wotton, 2005). Avoiding the police was therefore presented as the main concern of

street-working women in this study.

In relation to the risks of sex work to personal health, the occupational health and safety structures in place were also experienced as supporting or interrupting sex workers' abilities to manage their health-related risks at work. The presence of and broad adherence to the Occupational Health and Safety Guidelines, which accompany the Prostitution Reform Act (2003), overwhelmingly was experienced to support sex workers' access to safer sex materials in work, and their ability to insist on condom-use with clients. On the contrary, Scotland based participants experienced significant difficulties in protecting their health at work following an increase in criminalisation strategies including enhanced policing of the sex industry and associated premises. A number of researchers subsequently argue that decriminalisation of sex work would better support the safety of sex workers (Brooks-Gordon, 2008; Day & Ward, 2007; Goodyear & Cusick, 2007; Jeffrey & Sullivan, 2009; Pyett & Warr, 1999; Scrambler, 1997; West, 2000). Furthermore, occupational health has been found to improve in decriminalised settings by increasing the power of sex workers to insist on condom use and protect themselves from the health risks they associate with work (Abel et al, 2010). The findings presented in this chapter would further suggest decriminalisation as a legal framework can support female sex workers, working both indoors and outdoors, in their risk-minimising strategies to better protect their health and safety.

Chapter Seven - Sex Worker's Experiences at the Interface of Policy-Driven Support Services

Policy Politics & Material Effects

Sex work policy frameworks present a unique arena for analysing the linkage of knowledge production, cultural figuration and the material effects of policy on the lived experiences of sex workers. Through examining how the historical, social and political meanings attached to sex work has implications for sex work policy in Scotland and New Zealand, the material effects of policy frameworks on female sex workers' lives can be examined. Specific, and sometimes competing discourses underpin the policy frameworks in Scotland and New Zealand with regards to sex work, and these were evidenced to manifest, and be experienced most prominently in women's perception of, and engagement with support services. Given the distinct discourses invoked in Scotland and New Zealand sex work policy frameworks, the prioritisation of types of support services available to sex workers was also distinct. How female sex workers are constructed and represented in policy frameworks, was found to translate to the landscape of services available to govern them and/or meet their support needs. Within the experiences presented by women of their perception of, and engagement with services and service providers, the interplay of policy discourse and the translation of this in practice was illuminated and a comparative analysis of this is thus presented in this chapter in meeting the second research aim; to critically examine the legal and policy frameworks operated in Scotland and New Zealand, and additionally contributes to meeting the overarching thesis aim.

Exploring sex work policies requires confronting a particular 'politics of representation' (Fraser, 2010) examining beyond the written policies to question 'what' is said, 'who' is involved in saying it, and 'how' it becomes knowledge (McGarry and FitzGerald, 2017). Pivoting the comparative analysis of the policy frameworks in Scotland and New Zealand, and the ways these were experienced by women in this study on the principles of social justice, namely rights, recognition, representation, respect and inclusion, key findings emerged that show the manifold ways in which the policy frameworks were experienced by women to support, interrupt, or subvert their perceived access to justice. Fraser's idea of social justice is engaged in this analysis, as concerned with parity of participation meaning 'social arrangements that permit all to participate as peers in social life'

(Fraser, 2007; 20). To overcome injustice, from Fraser's perspective, means overcoming institutionalised obstacles which prevent some people from participating on a par with others, 'as full partners in social interaction' (ibid). The ways in which sex workers felt able to access services that were in line with their own understandings of their support needs, and the experience of engaging in this type of social interaction with service providers, shed light on the extent to which female sex workers, in this study, experienced the policy frameworks in place as institutional obstacles to their parity of participation, or facilitating of this type of engagement as equal partners in this policy informed social-interaction.

The chapter deploys critical analysis of discourse, alongside thematic analysis of women's narratives to present a critical examination of the comparative policy frameworks. The chapter begins with an overview of the policy frameworks in place in Scotland and New Zealand, interrogating the underpinning discourses evoked. Subsequently, the chapter moves to explore the prioritisation of sex worker needs that shape the support services available to sex workers. Through reading sex workers' experiences of engagement with service providers, analysis is then presented of findings that relate to how sex workers experience the policy frameworks that contribute to the broader governance of their work and lives.

Public policy is both an instrument and an effect of power. Policy frameworks are devised through a discursive negotiation between contending ideological positions, rhetorical figures and material interests (Campbell, 2002). Prostitution has long been subject to critical examination, and as shown in the literature review chapters, competing discourses invoked enable and constrain the ways in which sex work and sex workers are constructed in policy, and regulated through policies and laws. As noted previously in this thesis, two distinct feminist analyses of prostitution/sex work have tended to dominate discourse and debate on prostitution. The first perspective views prostitution as an institution built on and continuing the patriarchal structure of society that shapes all women's lives and gender relations (Jeffreys, 2008; Mackinnon, 2011). Within this understanding, female sex workers are the quintessential victims of oppression by males who predominantly manage, organize and profit from the sector (Barry, 1995; Hughes, 2002). The existence of prostitution, from this perspective, represents gender inequality and thus perpetuates violence against all women. Such discourse informs law and policy in jurisdictions like Sweden, Norway and Iceland that

intend to abolish prostitution and prosecute those who profit from or use it. Whilst the legal framework in Scotland does not reflect such a clear positioning on sex work, the prostitution policy framework in Scotland chimes more with this understanding of prostitution.

The second perspective argues that many women and men work voluntarily as domestic and migrant sex workers (Anderson and Andrijasevic, 2008; Mai, 2011). Commentators assert sex workers should have the same rights and protections as other workers, including freedom from fear, exploitation and violence (Doezema, 2005; Kempadoo, 2003). Whilst there are abuses associated with prostitution, commercial sex need not be inherently exploitative; and it is those attempts to abolish prostitution, and the attitudes underpinning such attempts that feed into the creation of an abusive climate for sex workers that must be changed (Chapkis, 1997; Saunders, 2005). Such discourses frame the legal and policy framework in New Zealand (Abel et al., 2010).

Drawing on Bacchi (1999) approach to critically analysing policy frameworks, the critical examination of Scotland and New Zealand's prostitution policy frameworks in this chapter prioritises investigating discursive practices that produce particular ways of understanding prostitution, and thus specific modes of dealing with the associated problems. Whilst policy-making proceeds as a discursive practice, the texts and practices that emerge from it were found within this study to exercise material effects that shaped the experience and interpretation of sex work. These interpretations and experiences, based on policy framing and representation, were most commonly linked to the translation of policy into services and into the individuals tasked with delivering that service. As Fairclough argues, viewing the links between discourse, social policy, ideologies and institutions allows for an evaluation of lived reality and individual experience as taking place in the context of broader structures and practices (Fairclough, 2013). The following section explores policy discourse and examines the associated problems with prostitution that arise for state intervention and policy prioritisation, before moving to examine how these policies and related foci has come to shape the service provision landscape for sex workers in Scotland and New Zealand, before moving on to explore women's perception of, and engagement with such services.

Problematizing Prostitution in Scotland and New Zealand

Bacchi (1999) refers to all competing understandings of social issues as ‘problem representations’, and she argues that it is important to identify differing and competing representations of the problem as these operate as political strategies offering a range of potential outcomes and governing effects. In order to identify the assumptions within policies, it is necessary to ascertain how political actors represent what is seen as problematic. Sex work/prostitution remains a contentious issue in Scotland, yet the current policy framework sits firmly in line with a ‘violence against women’ perspective on prostitution. Recent shifts in the representation of prostitution in policy can largely be attributed to concerns of wider gender equality impact and the trafficking of women (McKeganey, 2006, Kantola and Squires, 2004), public and political pressures over community disorder and safety (Sager and Jones, 2001, Hubbard, 2006), and recognition of the additional vulnerabilities experienced by some sex workers, such as early entry to sex work, drug use and violence and abuse within and outwith sex work (see Matthews, 2005; McKeganey and Barnard, 1996; Church et al. 2001, Shannon et al. 2009; Cusick et al. 2010). The latter concerns have dominated recent policy developments in the area and have evidently influenced a somewhat monolithic construction of sex workers in current Scottish Government policy, evident in key related policy documents, *Safer Lives, Changed Lives* (Scottish Government, 2009) and more recently *Equally Safe* (Scottish Government, 2014b).

Reading these policy frameworks would suggest that the additional vulnerabilities experienced by sex workers, has translated into justification for the construction of prostitution as ‘commercial sexual exploitation’ (Scottish Government, 2009, 2014b). This definition, in line with prohibitionist understandings of prostitution as detailed in Chapter Two, sees sex work as, not only *a form* of violence in and of itself, but additionally as being *surrounded* by violence, seen to be immutably violent (not simply violence) and exploitative (Jeffreys, 1997). It is compared to slavery and to torture (Farley, 2004), and those in the sex industry are generalised and conflated as unstable, traumatised, passive and exploited (Farley, 2004; Jeffreys, 1997; Raymond, 1998), with these pathologisations seen as *resulting in* their sex selling (and undermining their agency exercised in a ‘decision’ to sell sex), and additionally resulting *from* their apparently traumatizing and violent sex work (Levy, 2014). The harms experienced by female sex workers are thus portrayed as synonymous with prostitution, with policy stating that the sex

industry has “been shown to be harmful for the individual women involved”, and furthermore “has a negative impact on the position of all women through the objectification of women’s bodies” and this “happens irrespective of whether individual women claim success or empowerment from the activity” (Scottish Government, 2009: 7-8).

In the New Zealand context, sex work is firmly recognized as an occupation. Constructing sex work as a form of labour and sex workers as human and labour rights-bearers, the Prostitution Reform Act (2003) fundamentally shifted the problematisation of sex work from a deviant, immoral behavior to recognising sex workers as persons deserving equal protection by the law, and other necessary rights and protections specific to the industry they worked in, which were also seen to be necessary to ensuring public health standards (Abel et al, 2010). This shift in construction of sex workers is evident in the specific aims of the Act, which clearly reflect a harm minimisation approach which accounts and prioritises the human and labour rights of sex workers. In contrast to the policy narrative in Scotland, which emphasises the homogenous victimhood of female sex workers, and the associated harms experienced as inevitable and inherent to prostitution; the campaign for decriminalisation in New Zealand centered on public health concerns and the hypocrisy of the pre-decriminalisation model that was seen to create a burden of blame on women selling sex, whilst not interfering through legal sanction with the men who bought sexual services (Abel et al., 2010). Furthermore, in affording sex workers with full employment rights, the problems that were given prominence, such as coercion, exploitation, violence and abuse in the workplace were all sought to be remedied through fairness and equality.

From Policy Problem to State Solutions

From comparing the legal and policy frameworks in place in Scotland and New Zealand, and their underpinning discourses that locate the associated problems for state intervention, the assumption can be made that the landscape of services available for, and to, sex workers, in each setting, would be in line with the addressing of these problems or supporting women in tackling injustice. From mapping the landscape of services available to sex workers, in each setting, this was the case, with Scottish service provision focused on prevention, exiting, protection of communities, punishing profiteers of the sex industry, and to some

extent, harm reduction. In New Zealand, the services available to sex workers, in line with the PRA aims, were focused on harm minimisation, public health efforts, the protection of sex workers' rights in their work, and an emphasis on increasing engagement between sex workers and the police to increase justice in cases of exploitation, coercion and violence (this latter area of intervention in engaging with justice mechanisms is explored in chapter seven). How sex workers experienced these service foci was useful in examining the material effects on the lives of sex working women in this study and the extent to which sex workers felt the support available to them enhanced or limited their experiencing of social justice, including rights, respect, recognition and inclusion.

Engaging with Health Services in Scotland

Occupational health, as shown in the previous chapter, is a key concern for women in this study. Thus, when asked about engagement with support services, the majority of research participants spoke firstly about engagement with health-related services. In Scotland, engagement with healthcare professionals at an individual level, and also engaging with the ways health services were perceived to construct sex work brought to the fore many experiences, interpretations and subsequent strategies that sex workers in Scotland in this study deployed.

Firstly, there was a general lack of awareness amongst women of sex worker-specific health services available to them as noted by Debbie; *"I wouldn't know where to go as a worker to be honest, I just use the main service in Glasgow but I don't go as a sex worker"* (Debbie). Debbie's decision to use the main sexual health service was not linked by her directly to unwanted disclosure of her work, but a general lack of awareness of sex worker services in the Glasgow area. This lack of awareness of specialised health services was confined to the narratives of women who were working in Glasgow, such as Sophia who expressed; *"I just go to my nurse in the GP, I don't think there is a service for sex workers now"* (Sophia). There is a specialist health service that operates in Glasgow however, during the course of interviewing, this service was experiencing some changes in its remit and now exists as a clinic to serve vulnerable groups more broadly.

Of the women in Glasgow who were aware of a sex worker health service, some perceived that this was solely for street-based working women and did not see themselves as the target for the service, as Danni explained; *"I know they run*

services for sex workers on the street but there's nothing for working girls that don't work like that". The perceived nature of these health services in Glasgow as catering for women who were more deserving of state support in relation to health was made explicit by Olivia;

"I guess I don't feel like its really for me, seems strange to offer us that kind of specialist health treatment when we are treated like monsters and law breakers in everything else." (Olivia, Scotland)

Whilst Olivia's linking of criminalisation of her sex work to her perception of accessing a specialised health service as paradoxical, some women linked criminalisation directly to a desire to avoid accessing such specialist health services, such as Brooke who described her related anxiety as;

"I'm just too scared to be linked in with any service as a worker, I'm scared they start looking into my work and if I do anything illegal they'll have more evidence, it's not worth it to me I just go to my GP" (Brooke, Scotland)

Increased criminalisation of sex work has previously been linked to a curtailing of access to services by sex workers (Morgan-Thomas, 2009, Scot-Pep, 2012) and was a factor in either preventing some of the women, such as Olivia and Brooke, from accessing specialized health services, or in the cases of some other women, led to their decision to access such services anonymously. This was the case for many of the women in Edinburgh, who were aware of an NHS ran sex worker clinic and spoke, in the majority, highly about this service;

"I go to Spittal Street when I can and it's great the nurses are dead friendly, and I don't feel judged really for what I do, although obviously I don't give my real name" (Dee, Scotland).

Like Dee, many of the women who accessed a specialized health service did so under a false name which was largely related to their fear of criminalisation or other repercussions, through state attention. For Gill, fear of state attention was her reasoning for accessing these services under a false name; *"I don't even give my work name I just make something up last thing you want is the police checking up on your health records!"* (Gill, Scotland).

For women in this study who engaged with specialist sex worker health services, there was an overwhelming perception that these services were tailored to women who viewed themselves as victimized by prostitution, most linked to the focus on

exiting within the service and the nature of the ways in which health professionals were interpreted to be engaging with sex workers. Giving an indication of misrecognition of the diverse needs of female sex workers in Scotland, the focus on exiting was noted by sex workers as being out of line with the service they were seeking, through going for a health check-up, as Mya criticized;

“I went to the Sandyford once, to their sex worker clinic, and I will never be back. When a nurse goes to the doctor for a sexual health checkup or say a teacher, is she asked if she needs any support to exit her job? Sex workers are no different, we deserve not to be disrespected because of our work choices” (Mya, Scotland)

The disrespect Mya felt, based on the type of support she received, was common across other narratives and women who spoke of this type of service being offered by healthcare workers as “inappropriate” (Lily) and as Liv described; *“it’s like what the fuck? I came for an STI check lady please I love my work thanks very much!”*. The misrecognition of sex workers diverse needs in relation to health services, and a monolithic interpretation of sex workers as victims was perceived by many women to lend to a feeling a disrespect in engaging with these services. This perception of disrespect which some women in Scotland felt in accessing such services went beyond the focus of exiting, and could be related to a more individual level of the ways they felt treated by healthcare workers;

“It’s patronising...I have found lately that I go for a quick check up and ninety percent of the appointment is taken up with being asked questions that I think you know, I’m 43 years old I know what I’m doing if I need help I’ll get it, just give me my bloody test!” (Gracie)

The feeling of being patronised was common across women’s narratives and was linked to the perception that they were seen as a victim by the healthcare professional. Whilst this discouraged some women from returning to that particular service, other women spoke of conforming to a victimhood narrative in order to be received as eligible;

“I just answer their questions like a good little hooker to get my condoms and lube and then I skip on out of there thinking god you patronising cow” (Cassie)

“When you get angry at them they take it personally, it’s not their fault I get

it but they don't need to take care of me – so I just play along to get the check up and hope one day I don't scream like I am not a child!" (Maddie)

There was an overwhelming sense from women in Scotland, that took part in this study, that the victimhood narrative did not reflect their experience and even when women disclosed being victim to certain forms of abuse in the course of their lives, a sense of frustration was presented towards healthcare workers who were seen to put everything down to sex work. As Diane explained;

"I don't feel like a victim and I certainly don't like being treated like one, in fact it actually really fucks me off, I've survived many things in my life and sometimes I need to be like no nurse not everything is because I'm a whore, honestly I'd get a verruca on my foot and she's tell me it was because I was in hooker boots!" (Diane, Scotland)

O'Neill (2011) highlights the problems that policy discourse can create, particularly where services have to amend or change service delivery in order to meet specific funding guidelines, for example around exiting measures, a result being the exclusion of, and lack of support for sex workers who are unable, or do not wish to exit sex work. The sense of healthcare workers treating all health concerns as synonymous with sex work, as a translation of policy discourse, was found frustrating by women who spoke of their mental health issues and the interpreted perception of healthcare workers that this was due to sex work;

"I've stopped going to the sex worker clinic because my records were shared with my GP and the next time I went for an appointment for a completely unrelated mental health matter he started directing me to prostitution services" (Rose, Scotland)

The perception that sex work became the overriding health issue for women presenting to healthcare workers was indicative of their feeling of being reduced by the nature of their work and encouraged to engage with specific measures, such as exiting that they felt irrelevant to their presenting needs. Furthermore, Rose's experience of her records being shared with a partner medical service was possibly indicative of the power of policy discourse in not only setting the landscape of services and conditions for the receipt of services but encouraging measures such as increased partnership working across agencies to tackle violence

against women, which has been documented elsewhere (Rummery, 2013).

More isolated incidents of feeling repeat victimization through the engagement with healthcare professionals as a sex worker, were noted, for instance, Lily felt the domestic abuse she previously experienced was made worse by the subsequent healthcare workers approach, based on her work;

“He [Lily’s ex-partner] moved on and met someone else eventually...she made him go take an HIV test and made him tell the nurse that he was with a prostitute. When I heard this the thought of the three of them discussing my life like it made me some sort of HIV risk factor was so disturbing. That nurse is trained to see me as a victim – something I refute but still she is. Why then was it okay for her to collude in such stigmatising behavior with Two people who were at the time making my life fucking misery!” (Lily, Scotland)

The paradox presented in Lily’s narrative of, on the one hand being seen as a victim, and on the other feeling judged and stigmatised for the work she engaged in, was emblematic of paradoxical risk discourse that is often applied to sex working women. On the one hand and, in the Scottish policy framework, women are constructed as “at risk”. Yet, non-conforming to such a discourse lead woman to experience, at times, being treated as a risk should they challenge their victimhood at the point of accessing healthcare services. Whilst Lily did not challenge the healthcare worker directly, some of the other women spoke of resisting what they felt was a misframing of their lives;

“I can’t stand the patronising attitude and way they can be...but I noticed the minute I corrected her and challenged her a bit she just stopped being even pleasant and basically acted like she was doing me a favour and doing the world a favour by making sure I was clean – she actually used that word, implying I’m dirty” (Liv, Scotland)

For Liv, and also Brooke who spoke of a time she “*stood up for herself*” in a healthcare setting, the feeling of being treated like a person at risk switched quickly to the opposite perception of being treated like a risk, mainly in relation to public health, as Brooke noted;

“The minute I say I’m an independent escort it’s like her little victim bubble bursts and she just treats me like I’m the worst example of a woman she has ever seen – a danger to all those around me!” (Brooke, Scotland)

In her Scotland-based study, Smith (2015), in her discussion of the barriers to

health services for sex workers, exposed that the main difference between Service Providers and sex workers related to the expectations versus the realities of service provision, both on the part of Service Providers and sex workers. Smith (2015) goes on to explain that;

‘while Service Providers might share similar expectations or visions of service delivery as sex workers, external constraints, agendas or other barriers can hamper what support can realistically be provided.’

Although looking through the lens of sex workers’ experiences, and not Service Providers experiences, this study illuminated slightly different findings from Smith’s conclusion presented above. Some sex worker experiences did highlight that Service Providers were perceived to be working to a particular ideology and offering help outside of sexual health needs, i.e. in the form of support to exit and generally treating sex workers as victims of exploitation rather than as informed workers. But, on the other hand, some sex worker narratives of feeling stigmatised and judged from healthcare providers illuminated that these experiences could not be linked to the policy discourse, but rather to the influence of societal stigma. Individual feelings towards sex workers that were out of line with the apparent victimhood approach within Scottish policy frameworks and on the contrary, led sex workers to feel they were being treated like a risk.

Within the available literature, it has been suggested that existing service provision in the UK may be limited in its understanding of, and ability to, address different sex workers’ needs and experiences. This is based on an overarching focus by services on the harms of sex work and victimisation caused to individuals involved in sex work, who traditionally worked with outdoor working women (Smith, 2015). This was a point raised by Lola (2);

“The nurses are nice, but they aren’t used to dealing with sex workers, they are used to dealing with women whose lives are really chaotic usually because of drugs, and it’s just not the same approach needed. I don’t take it personally, but it isn’t exactly the most empowering experience going to a sex worker clinic” (Lola (2), Scotland)

The effects of this perception of healthcare workers, as tailoring their approach to women who identified as victims was experienced in different ways, such as Lola (2) who felt it was something she could successfully minimize despite feeling disempowered. However, the worst-case outcome was noted by Rose, who opted

for complete disengagement with health services following incidents of feeling mistreated and disempowered,

“I know what he was thinking, what a filthy slut and I wonder how much she charges – probably both at the same time. Now sorry but that’s not who I then want doing my examination. I avoid health services now unless its an emergency” (Rose, Scotland)

The perceived stigma and judgement perpetuated by healthcare professionals thus created a barrier to some women’s engagement with such services. This echoes a study by Ward and Day (1997) that documented the startup of an outreach service to sex workers aiming to increase access to a sexual health clinic in the area. Many of the sex workers they encountered during their outreach programme were distrustful and had little confidence in the health workers attached to the clinic, with stigma and marginalisation of sex workers concluded as a key barrier to their accessing of healthcare services.

In women’s experiences of engaging with health services in Scotland, the material effects of policy were illuminated. Health services which were specialized for sex workers were experienced to operate from a political perspective that constructs prostitution as violence against women and delivered by healthcare workers that operate within this context whereby the victimhood of women involved is translated and was perceived negatively by the women in this study. The various ways women negotiated this experience in accessing these services, is reminiscent of arecent study of sex worker experiences in Sweden with service provision following the introduction of the sex purchase law (Jakobbsen and Levy, 2013). In this study, the authors reveal similarities to what was found to be the case in Scotland, the gender-based violence lens on prostitution has filtered through to service provision and subsequently informs the ethos of Service Providers. Similarly, to the Scotland based women in this study, sex workers in Sweden expressed their perceived need to ‘conform to a mainstream understanding of sex workers as disempowered victims in order to be eligible for services’ (Levy, 2014). Similarly, Cusick et al. (2010) highlighted such limitations as they can affect sex workers in the context of English and Irish drug services. It was found that the links between dominant political agendas on sex work and available service provision, may be detrimental to some sex workers, requiring that they engage with a model that encourages exiting of sex work in order to receive

necessary treatment. This can, in turn, create problems in facilitating effective harm reduction for sex workers; excluding and denying support to those who do not readily identify as a victim in line with dominant political agendas on sex work (Cusick et al. 2010).

The guidance for healthcare workers in engaging with a person involved in prostitution illuminates the further link between policy, discourse and the translation to service provision and delivery ethos (NHS Scotland, 2009). In this guidance, it is clearly stated that frontline healthcare workers are trained to deliver specialised sex worker services, in line with the wider policy position of prostitution as a form of commercial sexual exploitation. In the same NHS document, healthcare workers are advised to look out for factors that could alert them to a person who is experiencing CSE, in the form of prostitution, including such things as *'difficulty in getting to health services during normal working hours...disclosure of child sexual abuse or domestic abuse'* (NHS Scotland 2009: p 6). Making links with child sexual abuse and domestic abuse clearly supports recognition of sex workers as vulnerable adults often subject to multiple forms of abuse. Frontline workers are also advised to,

‘be aware of your own attitudes and avoid either reacting with shock and horror or colluding by being overly chatty or interested in their ‘work’ (NHS Scotland, 2009: 8).

The fact that prostitution as ‘work’ is presented in this way, clearly signals that the NHS policy does not agree that sex work is a form of work, and staff are encouraged not to recognise it as such. The quote also makes clear that staff who step outside of this approach could be accused of *“colluding”* with sex workers, portrayed either as lying about their experiences of prostitution as work, or unable to make their own meanings of their life and work. In this quote, and throughout the document, it is clear that the monolithic construction of sex workers in Scottish policy emphasises the victimhood of women who sell sexual services. This was experienced to have translated into the approach of health service provision to sex workers in Scotland both in constructing the types of services available to sex workers as exiting-focused and thus failing to give recognition to the heterogeneous experiences and needs of sex workers and influencing the treatment of sex workers by health professionals who were perceived to disrespect women based on their translation of policy discourse into practice.

Engaging with Health Services in New Zealand

The perceptions and experiences of sex workers accessing support services in New Zealand for health and other needs sheds light on a number of connected and distinct issues from the sex workers in Scotland. Accessing health services within a policy and legal context that gives institutional recognition and rights to sex workers, however, had an impact on the types of health services that were state funded to be made available to sex workers, thus revealing the benefits of inclusion of sex workers in policy and programming for health. Through supporting sex workers to challenge continued stigma they faced in these interactions with healthcare professionals, this reflects the self-respect that female sex workers in New Zealand exercised through an awareness of and sometimes a evoking of their rights.

In relation to the subsequent landscape of health services in a decriminalised framework in New Zealand, Abel (2014) notes that sex workers choose a variety of settings and types of services to meet their healthcare needs (Abel, 2014). However, in the context of this study, whereby most research participants were engaged with following an initial meeting through NZPC staff or volunteers, a majority of women sought health services from NZPC. NZPC has been taking the lead in providing safer-sex information and services even prior to the passing of the PRA, a position which gave the organization much leverage in negotiating the details of the Act and the accompanying occupational health and safety guidelines (Abel et al, 2010). Since the passing of decriminalization legislation, NZPC have taken on a lead role in providing health services to sex workers, that are community-based, peer-led and built around sex workers' holistic health needs (Abel in Fitzgerald and McGarry, 2018).

Most of the NZ based research participants were aware, to some extent, of the New Zealand Prostitutes Collective (NZPC) and all regarded the organisation, and its' services to sex workers, in high regard. The majority of sex workers in this study had utilised services through NZPC, ranging from emotional and peer support, safety advice, new workers' advice, healthcare advice and support, being recipients of NZPC outreach, and, for some, usage of the sex worker health clinic that ran from the NZPC bases in Wellington and Auckland. Sex workers reported largely positive engagement with the NZPC services in general, and particularly

in relation to their accessing of NZPC health related services. For Mary, who worked independently from the street or her home a sense of peer support and camaraderie attracted her to NZPC services; *“It can get quite lonely working on your own, in here [NZPC base Wellington] you’re around other girls and we can be open and have a laugh.”* For others, such as Rosie and Kay, a sense of trust was attributed to services delivered by NZPC due to the perceived ownership of the organisation by people with sex worker experience;

“I’m more comfortable talking over intimate issues here, I trust the staff and the volunteers because they’ve mostly worked or work themselves so if I’m having a drama I want to know I can get support in confidence” (Rosie, NZ)

“because it’s sex workers who run it...yeh it means I trust them more to actually try to support and also if I just want a health check up I know I can get it here quick and easy because they see sometimes you’re rushing out to bookings so they don’t make you fill in like 10 million forms” (Kay, NZ)

Tammy also utilised the sexual health clinic at the NZPC base, however her reasons were more closely linked to her desire to protect her anonymity and for any information to be shared with her manager;

Well once I noticed there was something there [participant had noticed symptoms of an STI] I thought about where to go, the last thing I wanted was for my boss to find out so I did a bit of research about where I can go that I didn’t need to give my name or where I worked, that’s why I went to NZPC about it”(Tammy, NZ)

Women across sectors linked NZPC to their protection of their health, most often through accessing information and support and through attendance at the NZPC clinics. Provision of condoms through NZPC was also beneficial for some women, as Mary noted;

If it wasn’t for the condoms from NZPC I basically well I don’t think I could work as safely for my health you know. You feel comfortable taking the condoms off them because it no biggy to them. Even when I have money having to ask at a store like what’s the price of those and all that, I mean it would be like well she’s a whore, you know?” (Mary, NZ)

There was a great sense of feeling that NZPC was safe for sex workers to access, given their perceived trustworthiness and knowledge of the industry based on the premise that sex workers themselves founded the organization, and that sex workers were thus meaningfully included in the design and delivery of such

services. The feeling of inclusion was noted specifically by Nancy who explained in the context of her volunteering with NZPC;

“It’s a good thing I think to give back, it was NZPC that supported me on a really challenging time in my life and actually it was other sex workers in NZPC who did that really. So I think you feel kind of part of something volunteering here [NZPC Wellington]” (Nancy, NZ)

The perception displayed by Nancy that sex workers were part of the creation of NZPC and current activities was also reflected in Isobelle’s narrative, where she described viewing NZPC as “*a big whore family that gets shit done*” (Isobelle, NZ). Isobelle’s views of the ability of NZPC to organize and deliver services efficiently mirrors the expansion of NZPC as the lead service provider to sex workers. In securing a formal partnership with the New Zealand Ministry of Health, NZPC, as a sex worker-led collective, secured institutional recognition of sex worker expertise in health in relation to sex work. As described by one NZPC key informant, “*this felt like a legal stamp of recognition of sex worker input into service design and delivery as the best way forward*”.

Sex workers’ rights and grassroots organisations globally have become increasingly important in recent years, offering drop-in as well as community-based outreach options for the delivery of health services, condoms, emergency assistance, advice and health promotion messages to sex workers (UKNSWP, 2011). Many combine with other agencies to work together to provide a more integrated, holistic service for sex workers (O’Neill, 1997) and sex workers’ organisations will often take on an advocacy or mediation role in putting clients in contact with other agencies, helping them through the initial stages of contact (Pitcher, 2006). NZPC has taken on this role since 1988 and now, across New Zealand, they offer sex workers drop-in as well as community-based outreach options for the delivery of health services, condoms, emergency assistance, advice and health promotion messages to sex workers. NZPC also work with other agencies to ensure sex workers can access other services beyond their healthcare needs, including, for example, housing, welfare, drug services and treatment, education services and services specific to people living with HIV. The ability for a sex worker-led health service to operate in this way and qualify for funding from the Ministry of Health to deliver specialised holistic health services to sex workers, meant the landscape of health services for sex workers was designed

with the inclusion of sex workers themselves. Within these services, sex workers in this study felt they were respected and their work was recognised as work and that they had the opportunity to shape services through inclusion and participation in wider NZPC activities. Far from just a specialist health service, NZPC was experienced as a vehicle to enhance the rights of sex workers more broadly, particularly in relation to their occupational health and safety.

Continued Stigma Beyond NZPC Support Services

In New Zealand, sex workers are working within a policy framework where they have recognised legal and employment rights; however, they are still negotiating their lives within a cultural context where there is social ambivalence and strong moral discourses towards the industry and sex workers (Abel et al, 2010). The issue of perceived stigma in engaging with support services outwith NZPC was noted by NZ based participants, who described wider fears of their occupation becoming known to their families and friends.

Where sex workers in New Zealand were distrustful of a healthcare worker, mainly naming their GP, they spoke of a worry about being ‘outed’ to family or friends that also use that healthcare service, as Steph explained;

“I don’t want anyone knowing what I do there’s still a lot of negativity about sex work I think it’s based on people actually not knowing a lot about it but either way I don’t tell like my GP or anything about my work just incase it could get me outed in some way” (Steph, NZ)

Steph’s reasoning for choosing not to disclose her work to her GP mirrors previous analyses of the reasons why sex workers, in a decriminalised setting, may still choose to access services anonymously (Abel et al, 2007). Abel et al (2007) found that, particularly if sex workers did not disclose their occupation to their family, they perceived a danger in disclosing to somebody like a GP who had a relationship with their family, despite assurances of confidentiality. This was the presenting factor in Lola (1)’s choice to not disclose in a non sex worker-specialist service;

“My mum goes to the same GP as me and I know it shouldn’t be shared but I will always have this fear of her knowing, because she would worry about me and feel like somehow it was her fault so I just keep things separate... sexual health stuff I go to NZPC and anything else I just see the doctor” (Lola (1), NZ)

Similarly, Linda explained that her family attend the same GP as her, which was a reason for her non-disclosure in this setting of her occupation. However, Linda also feared that her GP would link other health issues to her occupation in a way that she did not;

“He has known me and my family from birth you know, all my records all my history. I have had issues in the past with mental health too, and I choose not to say to my GP that I work because of this – I’d hate him to make this link as for me working has actually been really good for my mental health, the hours mean I can also do things to help like yoga and meditation and support groups, without having to conform to the pressures of a 9-5 job” (Linda)

The fear of misrepresentation, or misrecognition of Linda’s occupation in relation to her mental health issues could be linked to the lasting effects of a victimhood discourse that sex workers in New Zealand chose not to engage with, where they feared this would affect their support and engagement with healthcare professionals. The choice to disclose sex work in a support setting fundamentally, in New Zealand, came down to individual preference of the sex worker. With an array of services to access for healthcare, as an anonymous person, many of the sex work respondents chose to separate their work health needs from their personal health needs and sought different services for these to avoid a cross-over or the experience of having to “out” themselves. The lasting impact of stigma, both real and perceived, was mentioned specifically by Ruby, who linked this to isolated incidents of judgement being perpetuated towards sex workers;

“I guess stigma doesn’t disappear overnight – you get the odd rogue cop or nurse who still thinks at the end of the day prostitution is wrong and judges you for it. But is usually a personal issue, and I know that I’m not doing anything illegal and they have to treat me like any other person you know.” (Ruby, NZ)

Ruby’s sentiments are echoed in Abel et al’s (2014) research findings on the reasons why some women in NZ continue to practice selectivity in who they disclose their work to, as the authors conclude; ‘social perceptions of sex work do not change with a change in legislation’ (Abel et al, 2014). Whilst some of the NZ based participants acknowledged prevailing stigma presented a factor in their decision to not disclose their occupation to a healthcare professional, some others

like Lola (1) quoted previously and Ana (NZ) displayed more of a conscious choice to separate their personal and working health related manners;

“I don’t really see the point in going elsewhere for work health stuff, like I get everything at NZPC I need to protect myself through working but at the same time it’s nice going to your GP for all the other things, I like to keep it separate as my work isn’t my life you know?” (Ana, NZ)

Whilst the issue of non-disclosure could be indicative of a fear of prevailing societal stigma, the selectivity that women in this section of analysis present highlights an agentic decision-making process by women who were seen to weigh up the advantages and disadvantages of disclosure and seek service provision in line with this decision. Non-disclosure and selecting services could thus be interpreted as a display of resilience by NZ based participants to the perceived fear of stigma and their developed response to remain invisible to services. Ham and Gerard (2014) found that sex workers employing such a tactic of ‘strategic invisibility’ is common (2014: 298). Their findings, based on Australian indoor sex workers, indicated that sex workers deliberately made themselves hidden or unknown to the state, contrary to the state’s focus on the visibility of sex workers in healthcare and licensing settings. This, in turn, is seen to enhance sex workers’ sense of agency and reduce the vulnerability in terms of stigma that can result from engaging with healthcare professionals.

A sense of sex workers’ resilience and resistance to stigma and judgement was further illuminated in women’s reflections on experiences where they felt this judgement and stigma was perpetuated towards them. Tammy showed this sense of resilience in her reflections on a negative experience she had in engaging with her doctor;

“Just like the doctor at the hospital yesterday...I didn’t want him to think of me as bad or ignorant in the way that he already had this assumption so I explained some of the reasons and then he said “oh I’m interested just out of curiosity” and I just thought, “ah you’re a cunt” [laughs] (Tammy, NZ)

Further, some women exercised their rights to privacy in choosing which information to disclose to healthcare professionals such as Amy:

I felt very comfortable actually and actually she wanted to know where I worked and my working name and I just said no I’m not comfortable with you putting that on my file. I don’t mind chatting with you I said and telling you whatever you want to know but sorry. Just no. (Amy, NZ)

The language used in the narratives of the women, when they discussed how they felt about this experience, indicated a strong sense of resilience to this judgement, with strong cursing of those who perpetuated this stigma being commonly used;

Then I just thought fuck you, because they did an examination and they wore gloves and I just thought as long as they're doing that then you know it's none of their damn business and they have no right to ask me that and actually I'm well within my rights to access this service, and any service" (Kelsey, NZ)

As Kelsey noted, the self-acknowledgement of being "within my rights" was also displayed by Kay who spoke more broadly about her rights to access services beyond public health;

"...like whatever someone says or how someone acts towards me, like a doctor or a nurse or police or anyone I think I am doing nothing wrong and I have rights to access whatever service I may need without having to deal with people's unwanted thoughts about my work" (Kay, NZ)

Sex workers who drew on their legal "*rights*" displayed therefore a sense of entitlement to respectful treatment by those tasked with the provision of support and services, an entitlement that was often tied back to the rights that women felt were now enshrined in law through the PRA (2003). For Amy, past experience and present awareness of sex workers' rights to be treated with respect and dignity informed her resistance to information-sharing beyond what she perceived to be needed for a healthcare professional to deliver the service she required;

Because there's been times when I've been younger and people have asked me personal things personal questions in a health context or whatever and I've felt disempowered and I've cooperated and then afterwards I've felt really upset and powerless that I did that so actually I stood up to her and shed kind of in a helping role anyway so maybe I didn't need to be that strong about it but I actually feel very strongly about it and I thought, you don't need to know that...I deserved to be treated or needed to be treated... actually I still felt entitled to not share that information mainly because she was writing it down. (Amy, NZ)

Thus, whilst negative attitudes, judgment and stigma, real and perceived, were still experienced by the NZ based women in this study, women's individual sense

of resistance and resilience in their reactions to such experiences was evident based on their strong sense of being rights-bearers entitled to respect and recognition. This was fundamentally underpinned by women's awareness of their rights enshrined in the legal framework of decriminalisation and the subsequent policies and frameworks associated with the Prostitution Reform Act (2003).

The Specific Effects of Scottish Legal Frameworks

Whilst Scotland-based participants experiences of engaging with service provision, particularly health-related services, were very much impacted by the policy framework and associated discourses invoked, the legal framework in Scotland also presented distinct issues for women's engagement with both health and general support services. The barriers to accessing vital support services in a partially-criminalised environment like Scotland have been documented previously (Ward and Day, 1997). Scotland-based sex worker perceptions and experiences of engaging with services in this study appear in line with these findings, with various law-related issues presented as barriers to access, including information-sharing by organisations with the police, and fears of social work intervention in cases where sex workers had children.

The proliferation of multi-agency partnerships across Scotland, to tackle 'Violence against Women', including prostitution, has, according to the majority of sex workers in this study, caused increased worry and trepidation in accessing services, for fear of record-sharing and 'outing' of sex working status to authorities. Sex worker respondents in this study were extremely vocal about their distrust in any support service that is part of a wider multi-agency partnership, extending beyond sex worker-specific projects to any 'Violence against Women' service. One of the main reasons for this distrust was centered on the possibilities and presumptions of police involvement in the partnership;

“It's like they don't get that our work, or most of it is criminalised – they say oh we're here to help but really how can they help when I'm working in a way that is illegal? Any service that works in partnership with the police I'm sorry I wouldn't trust them in this context” (Lily, Scotland)

Lily's mistrust in services that work in such a partnership with the police was

attributed more specifically by some women to the presumed practice of record-sharing within such a partnership;

“Why would I engage with people who will share my details with the police?” (Dee, Scotland)

For some women, record-sharing presented a real experience that they considered a deterrent to further accessing of support such as Rose who was previously quoted highlighting this experience, and Adi who described;

“I presented as homeless in a really bad way and was told I couldn’t get a house because I was a prostitute, they obviously knew this from my records, but I don’t think it’s right that your health records are passed over to housing” (Adi, Scotland)

Even in the narratives of sex workers who were not working illegally per se, an assumption was, at times, expressed that Service Providers would judge their work as immoral and illegal creating a further dislocation between sex workers and a range of services. This finding echoes sentiments by McCracken (2010) who noted that sex workers often understand themselves as illegal and immoral, in line with common beliefs about their work (McCracken, 2010), which they may feel precludes them from receiving or being deserving of help. In one woman’s narrative, an experience of domestic abuse led her to consider seeking support, but she was deterred from a fear of her work deeming her an unsuitable recipient of such a service;

“I didn’t go to Women’s Aid at the time because I had heard before that they don’t agree with sex work and I felt like they would be like right why do you need counselling for domestic violence when you are happy to be paid for sex?” (Diane, Scotland)

Further to Diane’s reasoning for not engaging with a support service for counselling following a domestic abuse incident was her related fear that her children would be subject to questioning and in her worst case scenario, taken out of her care; *“I don’t work around my children but if this link was made I know theyd question my mothering and god imagine they took my kids away from me”* (Diane, Scotland). A similar experience was reflected on by Debbie, who discussed the repercussions of stigma in her life with children within a domestic abuse relationship, both in relation to her ex-partner using this to emotionally

abuse her, and also in creating a deterrent for her reporting of the abuse to state authorities;

“he used to say to me countless time that I was a whore and that there is no way social work would let me even see my children if he told them. Considering I don’t tell people for this very reason, I also let it put me off calling the police countless times” (Debbie, Scotland)

Sex working mothers, in this study, were extremely cautious in disclosing their involvement in sex work in any support context, for fear of separation from children as a result of working, and perceived stigma towards children and mothers related to their mother’s involvement in sex work (Sloss and Harper, 2004). The multi-agency nature of sex work specific projects in Scotland, and healthcare services, was linked, in many of the mothers’ minds, to a sharing of information to social work services, for example,

My priority is my son though so if there’s even a slight concern my records would be passed to social work – there is absolutely no way I’d tell the doctor I worked.” (Lily, Scotland)

This fear and protection of her child, presented by Lily above, is worryingly real in the Scottish-context, given the duty on Service Providers to report any concerns they may have for children when they are supporting a person. Based on the policy view of sex workers as victims themselves, unable to consent to the selling of sexual services, and likened to an exploited victim of any commercial sexual exploitation, it extends that their suitability as parents could be questioned by Service Providers. This was in fact presented as a reality by a service provider in Smith’s (2015) recent Scotland based research in this area;

Child protection... If someone’s got a child and they’re working as a sex worker, you know, it’s the same as substance misuse if they approach a service... When I first started... it was completely anonymous, but now because of GIRFEC⁶... we’ve got a duty to report any concerns and if someone’s, em, bringing back punters to their house or whatever, then that’s a concern obviously. So that’s a barrier. A fear of their children being removed (Sarah, service provider, (Quoted in Smith, 2005: 145).

⁶ Getting It Right for Every Child (GIRFEC) is a Scottish Government policy that encourages multi-agency information sharing and partnership working to ensure children in Scotland have access to individualised care plans and support where needed

Whilst not to question the principles of GIRFEC directly, nor the responsibility of state agents to report cases where they feel a child may be in danger, the broader assumption that being a sex worker automatically leads one to question the safety of children connected to her, is indicative of the paradoxical nature of Scottish law and policy framework on prostitution. State-endorsed and condoned stigma, in this way, can lead to the exacerbation of wider societal stigma towards mothers who sex work and their families, presented in Lily's experience alongside her fears of losing custody of her son;

“Every sex worker I know is a mother, we live on constantly reduced tax credits and many of us supplement our income with sex work. But the fear of this coming out is not for me, I don't care, but it's for my children – firstly because I don't want them to deal with the stigma I do, but secondly because my biggest fear is that they are taken away from me” (Lily)

The ramifications of criminalisation for sex workers in Scotland thus extended beyond the policy discourse in place, to a significant fear amongst women of approaching a range of services, also tied into the multi-agency operation of services in Scotland. Fear of police harassment, arrest and losing custody of their children dominated some of the women's narratives when reflecting on accessing services beyond support services for healthcare issues.

The construction of sex workers as “at risk” in policy, whilst posing a risk in a legal context that criminalizes related activities, creates a dual process of stigmatization and marginalization of sex workers and caused prominent feelings of misrecognition, disrespect and fear of criminalization rather than feeling an entitlement to rights-based treatment amongst Scotland based women in this study. In Scotland it would appear that this need to move from isolated healthcare and harm reduction for sex workers has been inextricably linked to a wider political agenda that follows an abolitionist doctrine on prostitution. In line with moves towards greater integration and collaboration between services, many agencies in Scotland now operate as part of a multiagency partnership or include some degree of multi-agency working in their approach (Scottish Government, 2010, Scottish Government/COSLA, 2009). The nature of multi-agency partnerships operating in a criminalisation context, whereby services are delivering services based on perceived victimhood, yet working alongside authorities tasked with prosecuting illegal activities associated with prostitution,

caused a strong feeling of paradox in Scotland based women's experiences and ultimately reduced their access to a wide range of services.

As analysed in detail by Scoular and O'Neill (2007), state power in late-modern societies is increasingly shifting from one sovereign body (the state or government) to more dispersed array of actors and institutions (Foucault, 1997; 1991; Garland, 2001). The expansion of multi-agency partnerships and more local level strategies to tackle social problems means that power is growingly dispersed through 'network-based forms of coordination' (Newman, 2003: 16). This, Scoular and O'Neill (2007) identify, has led to a greater role for specialist and expert knowledge and agencies in crime reduction practices; with control of subjects now present through growing matrices of power, which seek to manage crime control through strategies of self-governance and responsabilisation techniques (Scoular and O'Neill, 2007). The shifting of power to network-based agencies and partnerships, in relation to sex work, is becoming increasingly evident, with even health services, once tasked with the provision of condoms, sexual health check-ups and the provision of an apolitical, confidential and non-judgemental service, now aligned through partnership working, and funding requirements to wider political projects to eliminate prostitution from Scottish society. While some aspects of this newer multi-agency approach in Scotland may suggest some positive change in relation to state solutions to prioritized problems in policy related to sex work, for example, seeking to protect individuals abused through prostitution, particularly young people, and preventing entry and multi-agency support for individuals who wish to exit prostitution (Soothill and Sanders, 2004), the paradoxical nature of the policy and legal framing of sex work/prostitution approach was experienced by female sex workers, in this study, to undermine their access to support. This approach has also been widely criticized elsewhere, with commentators noting the paradoxical nature of service provision throughout the UK, that appears to prioritise punitive responses over public health (Cusick and Berney, 2005; Brooks-Gordon, 2006).

Discussion & Conclusions

The construction of problems are then represented in policy and this will determine the prioritisation of associated problems by the state, as explained by Baachi (2010); ‘what gets done, what is ignored or downplayed, and how people feel about the issue, about themselves and others’ (2010: 64). Baachi (2010) also alerts us to the role played by multiple social and political actors in shaping problem representation, arguing that these processes operate at a deeper, conceptual level. Therefore, rather than deciphering how political figures frame an issue for political ends, a “What’s the problem?” approach works by uncovering how meaning is created in both the design and analysis of policy (Bacchi, 1999). In centering women’s experiences to shed light on and compare the impact on the policy and legal frameworks in the comparative contexts, this chapter has presented findings that suggest the ways prostitution is framed in policy design is pivotal in the structuring of services available to female sex workers, and furthermore structures how women experience these services.

When prostitution constitutes a social problem, “female sex workers” appear as problematic. In Scottish policy, the framing of prostitution as a ‘violence against women’ issue renders female sex workers as victims lacking agency or autonomy. This framing of prostitution has influenced the creation of a landscape of services working from this political discourse, which evidently aim to deal with and tackle prostitution itself, through a focus on exiting and rehabilitation of victims. Women in this study reported feeling misaligned with such a homogenous interpretation of their lives, which was experienced as misrecognition of their agency and resilience, disrespectful of their work and choices, non- inclusive of their heterogeneous experiences and thus unable to provide the types of rights- based services that sex workers desired access to. Furthermore, the effects of policy on the ways sex workers experienced treatment by those involved in the provision of such services, indicated a translation of such political discourse into the practices of Service Providers. In contrast, when sex work is framed legally and politically as work, the problems arising for female sex workers are viewed as issues related to occupational health and safety. In the New Zealand context, the occupational risks to health and safety are firstly tackled through the prescribing of labour rights to sex workers, but furthermore in the establishment of services that aim to support sex workers to minimise such risks. The focus on public health and harm

minimisation in New Zealand is evident in the landscape of services available to sex workers.

Whilst stigma and judgement were still experienced by sex workers in New Zealand, like their Scotland based counterparts, the reactions to such experiences in the decriminalised context of exercising rights, challenging individuals or employing a strategic invisibility, were markedly different from the ways sex workers in Scotland felt they could respond under a criminalised context. Scotland based participants, on the contrary, felt they must conform to a victimhood narrative to be eligible for support services, or chose not to disclose involvement in sex work based on fear of legal repercussions, or completely disengaged with support services and waived their rights to access such vital services.

Even more significant for the experience of NZ based sex workers in this study was the inclusion of sex workers in the development of such services. This inclusion of sex workers in the development and delivery of such support services is representative of what Cribb and Gewirtz (2004) name associational justice, which is concerned with locating where there are spaces for agents who are *not part* of the dominant group to be part of the decision-making process that structures their agency. NZPC toiled for this kind of associational justice through conversion of policy to services, and thus took up the political space to contribute to the conversion of policy as discourse, enabling sex workers leverage in representing their own needs for support services. Further theorizing of this associational tenet of justice in the analytical framework presented in Chapter Three utilized Fraser's conception of justice as founded on the principle of 'participatory parity', and the notion that 'justice requires social arrangements that permit all (adult) members of society to interact with one another as peers' (Fraser, 2007a: 27). Coming back to Fraser's theories on social justice, we can further examine who has the authority to frame such discourse and interrogate processes of 'boundary-setting' or 'partitioning of political space', which Fraser argues is done by dominant groups, determining where 'legitimate' political debate occurs and who is included/excluded 'from the universe of those entitled to consideration within the community in matters of distribution, recognition and ordinary- political representation' (Fraser, 2010: 19). Whilst in Scotland, the discourse of prostitution invoked in the policy making process excludes sex workers, as victims of false consciousness and violence, from contributing to the design nor the delivery of such support services, the discourse of sex work as an

occupation actively encourages the valuing of sex worker expertise in these policy and programmatic debates and planning and delivery processes. The authority to frame such discourse indicates that in Scotland, female sex workers' realities and lived experiences of engaging with policy discourse through policy-driven services, are excluded from political spaces where these discourses are developed. Dominant voices in these spaces rather prioritise the perspectives of abolitionist ideologies that assert all forms of prostitution to be inextricably linked to 'violence against women', positing the solution for governance to abolish prostitution and rehabilitate or as Scoular and O'Neill (2001) argue, 'responsibilise women to exit'. The following findings chapter moves to explore women's experiences of stigma in relation to violence comparing the ways in which the comparative legal and policy frameworks were experienced to enable or constrain sex workers' access to justice.

Chapter Eight - Living the “Whore Stigma” and the Impunity of Violence

The Power of Stigma

As highlighted throughout this thesis, female sex workers endure stigma, based on a long history of transgression from social norms. Weitzer (2010: 30) argued that stigma “colors all sex work”, notable in the construction of sex workers as deviant “others” throughout history (Vanwesenbeeck, 2001). Derogatory labels, such as; prostitute, whore, and hooker, are systematically used to describe sex workers in a wealth of social and institutional contexts, highlighting the pervasiveness of such understanding of sex workers as marks of disgrace (Pheterson, 1989; Scambler, 2007). The ways in which this stigma manifested in the lives of the women in this study, were manifold, both in Scotland and New Zealand. However, the sources of stigma experienced by sex workers in each comparative context presented variation in women’s narratives, and, furthermore the role of the legal and policy frameworks in supporting, subverting or interrupting injustices that stemmed from stigma, also presented women’s differential experiences of seeking recourse to justice. This chapter presents women’s lived experiences of stigma through the analysis of their perceptions as to how this stigma was perpetuated in their lives, and where this stigma arose from. The most prominent experiencing of stigma, in the lives of the women in this study, was in their experiences of violence, and thus specific narratives on violence are explored. By examining and comparing the legal and policy frameworks through women’s narratives’ findings in this chapter aim to meet the third research aim; to compare ways in which sex work laws, policies and frameworks support, enable or constrain sex workers’ access to justice, whilst also contributing to the overarching thesis aim.

Stigma has been evidenced to impact on an individual’s self-perception identity formation, which has been further linked to processes of social exclusion and isolation from society, resulting from secrecy or shame at the individual level or discrediting, silencing and excluded from more dominant groups in society (Corrigan et al, 2009; Corrigan and Matthews, 2003; Link and Phelan, 2006; Livingston and Boyd, 2010). Stigmatisation has wide ranging effects on an individual, negatively associated with measures of well-being and quality of life, such as social isolation, employment, and income (Benoit et al, 2013; Link and

Phelan, 2001), is linked to an array of physical and mental health problems (Green et al, 2005), as well as a reluctance to engage with health services (Link and Phelan, 2001; Pescosolido et al, 2008; Stuber et al, 2008). As Hatzenbuehler et al (2013) note, “the accumulated literature makes a compelling case that stigma represents an added burden that affects people above and beyond any impairments or deficits they may have” (Hatzenbuehler et al, 2013: 814). People who suffer from certain stigmas reportedly embody that stigmatising defect which thus becomes their “master status,” eclipsing all other characteristics to organize interpersonal interactions (Goffman, 1963).

In line with the previous findings analyses, that center women’s individual experience, and analyse these experiences within the broader context within which they are set, the concept of stigma is proposed here as a set of internal and external social processes, affecting “multiple domains of people’s lives” (Link & Phelan, 200; 363). Recognising stigmas in this way, which are beyond the personal level, in other words, as a “personal tragedy” or form of individual “deviance”, allows for exposure of the powerful structural mechanisms of social control underlying cultural norms of shame and blame, and is vital to understanding how they play out in the daily lives of those who are stigmatised, (Scambler, 2009). This conceptualisation also allows for analysis of the role of the legal and policy frameworks in structuring such stigma towards sex workers and supporting or subverting individual and/or collective attempts to challenge practices deemed to be driven by the specific stigma attached to sex workers. The individual/structural analysis also reflects that “stigma is entirely dependent on social, economic, and political power - it takes power to stigmatise” (Link and Phelan, 2001: 375). Thus, the forces and sources of stigma can be explored in exploring stigma as power.

‘Being Outed’ or Choosing Disclosure

Of the twenty-five women who participated in interviews for this study, eight of the women did not actively keep their work a secret from family and friends. Three women in Scotland, Gill, Diane and Adi were ‘out’ about their work; compared to over half of the New Zealand based women; Isobelle, Steph, Mary, Ana, Ruby, Linda, Amy, Kelsey, Heather, Talia and Jenny. Further to this difference in numbers, the three women who were ‘out’ in Scotland spoke of

circumstances beyond their control, that led to them disclosing involvement in sex work to people close to them, unlike the New Zealand based participants who, in the majority, spoke of their decision to disclose their involvement to their peers and families in some instances. For Gill, a friend who suspected she was working intentionally, followed her to work with the objective of affirming her thoughts that Gill was working, Gill laughed at she described this moment;

“I knew she was following me she was like fucking inspector gadget but she knew I worked anyway she just wanted me to come clean to her...yeh she was totally cool about it, she just wanted me to stop lying to her and now it’s good having a few close friends that know” (Gill, Scotland)

The positive response Gill received from some close peers, in revealing her work, was unfortunately not the experience of Diane, who experienced a relatively traumatic outing of her sex working status. Diane’s ex-partner, upon discovering she was working, threatened on many occasions to report Diane to the police or to social services, with the threat of attempting to have Diane’s children removed from her care. On one occasion, following an incident when she tried to stop contact between her children and their father, due to his pattern of collecting the children intoxicated, Diane’s ex-partner used her sex working status to pressure her as she explained;

“We ended up going to court over it basically he was and he still is a complete coke head but when I tried to put an end to his contact with the kids he tried everything, police were at my door, social work were doing weekly visits, my benefits were cut off at one point and I was made out to be the villain. I was in so much stress I had to tell people around me, I was scared” (Diane, Scotland)

The ramifications of Diane’s ex-partners disclosure of her sex work were far-reaching for her and chime with Weiner’s (1996) analysis of such consequences;

‘Being a prostitute makes a woman vulnerable to the loss of social services, removal of her children and termination of parental rights, expulsion from social support systems...the stigma associated with being a prostitute may make it impossible for these women to return to more legitimate lifestyles’

When Adi was questioned as to whether she told people around her about her work, her response indicated that she was shocked about the question;

“Of course they do, what? Well I don’t have family and yeh my friends know if I need to make money that’s what I’ll do” (Adi, Scotland)

In Adi’s context, she perceived that she would be unable to hide her work throughout her sex working years, both on the street and indoors from her home, and she did not show any hope or expectation to move on from sex work, partly related to her continued struggles with substance use. Adi’s experience was indicative of an overall sense of vulnerability, and a lack of choice as to whether to hide her work or not. As Weiner (1996: 100) further notes, “the women who are unable to hide their status are often the most vulnerable”. Given Adi’s continued engagement in street-based sex work, and the greater visibility this disavowed to her, her sense of confusion as to the appropriateness of being asked if she chose to be ‘out’ to people around her makes sense.

Whilst the three women who chose to be ‘out’ about their sex work in Scotland experienced a process of “being outed” to some degree, either by a friend, ex-partner, or through physical presence by street-working, the decisions of New Zealand based sex workers, in this study, who chose to disclose their occupation to friends and family revealed a different set of circumstances leading to this decision. Steph and Ruby both drew on the legality of sex work as factors in their decision to disclose their work to family and friends;

“I figure it’s not that I’m doing anything illegal and my parents can see that I work safely so I’m pretty open about it” (Steph, NZ)

“When I started working the PRA had just passed, so I think knowing that I wasn’t doing anything illegal made it easier to speak to people about my decision to do sex work and at the time it gave me the opportunity to care for my mum so nobody really took issue with it” (Ruby, NZ)

The decriminalisation framework in New Zealand was also perceived, by some women, to have changed perceptions amongst families and friends of the safety of sex work, which allowed women to feel they could be open about their work without causing worry to people close to them. Kelsey noted that she “*was totally upfront with people about how I work and the safety measures I put in place and the club to stop them worrying because that would be their main concern*”.

Similarly, Heather reflected;

“Most people around me know what I do for a living yeh. The only thing they really care about is that I’m happy and I’m safe and I can assure them I am both” (Heather, NZ)

For other women, who chose to disclose to their families and/or friends about their sex working status, a purposeful decision was made to support challenging stigma of sex workers;

“The way I see it is everyone knows a sex worker but nobody really knows a sex worker. So many women hide it and I just think it adds to the stereotypes and the stigma so the more of us that come out, the more people can just accept this is work and fuck off” (Isobelle, NZ)

“I tell everyone now, I think it helps challenge people’s attitudes that we’re doing something wrong and for me sex work has given me opportunities I just wouldn’t have in a more acceptable job” (Linda, NZ)

Some women spoke of friends and families knowing about their work, but didn’t focus on this in their narratives, potentially indicative that, for them, this wasn’t an out-of-the ordinary disclosure or experience. Thus, besides the greater number of sex working women in New Zealand, who were ‘out’ about their work to people around them, there was also a greater sense of agency in making this decision to disclose. Whilst previous findings indicate that stigma prevails under a decriminalised legal framework (Sullivan, 2010), women in this study revealed a greater sense of being able to disclose their work without repercussions related to broader stigmatization of sex work.

Managing Stigma through Keeping Sex Work a ‘Secret’

The multiple ways deployed by women in this study who chose to hide their sex work could be traced along a continuum of secrecy (Sanders, 2005). Like Sanders (Ibid) found in her research with indoor sex workers in the UK, sex workers in this study went to, at times, extraordinary lengths to keep their occupation a secret. The intricacies in women’s narratives around this management of their secret was extreme and impressive and was often presented with humour. However, unpicking these narratives revealed a repeatedly deep rooted fear of being ‘outed’ and the worries that this prospect brought, to many of the women in

this study, were extremely significant to them. This is indicative of how pervasive social stigmatization of sex work is. The findings presented in this section reveal the intricacy of women's management of their identity as a sex worker, the multiple layers of rationale for doing so, and the process they engage in to cover it up in both the comparative contexts.

The range of alias jobs included for example, "*a relationship counsellor*", "*a speech therapist*", "*cleaner*" and a "*spiritual healer*", and an array of rituals were described by the women to maintain their double life. Gracie spoke of her daily routine of getting dressed in her gym clothes and dropping her kids to school before;

"quick change in the apartment I work from and I go from superfit mum who loves Pilates and who is acceptable to the other school-run mums, to standing waiting on my first client of the day in his outfit of choice"
(Gracie, Scotland)

Whilst many of the women gave quite humorous accounts of this transition between lives/identities, their narratives often revealed their perception that they would not be accepted by those around them for their work, like Gracie in the quote above. Keeping sex work a secret, due to a perceived exclusion from peers and society in general, was common across women's narratives, with perceptions like Tammy's commonplace;

"I don't think generally people think highly of people that do this work, I know in my group of friends and even my family it's a bit looked down on as if either you're some sort of slutty woman who enjoys sex for money or you're a poor soul who thinks she knows what she's doing but actually must be emotionally scared or something" (Tammy, NZ)

For women, most prominently in New Zealand, the presumed effects of social stigmatization on themselves as individuals were not highlighted, but the worry of stigma being extended to their families, particularly their parents or children. Nancy explained that she is careful who she discloses her work to in order to avoid her parents being stigmatised as a result;

"For my parents sake mainly, I don't always say what I do, I know they support me but I don't think this is the same as being proud and in front of

their friends or our wider family you know, I want them to feel proud”.
(Nancy, NZ)

In Nancy’s case, much like many of the sex workers in New Zealand who chose to keep their sex work mostly a secret, there was a perception of sex work as not dignified work and thus, not invoking a sense of pride from parents or other loved ones. For other women in New Zealand, fear of stigma directly being perpetuated at their loved ones, particularly children was fundamental in their keeping of sex work a secret;

“I don’t really care for me but my children need to go to school with a bunch of hormone fueled little buggars that will use it to bully and pick on them it’s just what children do, and at the end of the day they hear the work sex and turn into caged animals” (Ana, NZ)

“My children know, I’m very open with family and friends, but I don’t go in the media or come out to people I don’t trust because the stigma is still there and my worst fear is my children being teased at school about their mother being a hooker” (Isabelle, NZ)

The worry about stigma repercussions for family and loved ones around women was also identified as a factor motivating secret-keeping of occupation in Sander’s study;

“often, women are not overly concerned with the impact of stigma on their individual character...the strategies of secrecy...are motivated by the desire to avoid the consequences of stigma interfering with personal relationships and loved ones” (Sanders, 2005: 119).

Personal relationship stigma was mentioned by two women in New Zealand, with both of them practicing relationship avoidance based on their work, and the stigma they felt this would attract by an intimate partner.

For Scotland-based women however, there was a more serious undertone to many of their narratives about living a double-life and the reasons for keeping their occupation a secret. Decisions for going, to sometimes detrimental lengths, to keep this secret were often framed as essential in protection of themselves and their families from police or other state harassment. A sense of isolation was tied to some women’s experiences of hiding their work and a feeling of social

exclusion. Maddie, for example, who only worked by “*touring*” to a new city a week each month, described this sense of isolation and the impacts for her,

“For me it’s the isolation of this, one week every month I am completely on my own except from clients, and it’s like a disconnect between work and life you know – it does make you feel alone and anyone is the same I think, too much time on your own can lead to feeling down and just thinking too much” (Maddie, Scotland)

Maddie went on to describe the many ways she felt her mental health suffered from what she described as “*isolation*” and like many of the other women who worked in secret, also noted a “*lack of social support*” as a factor in increasing depressive feelings. Some women also reflected on the often tedious and difficult day-to-day process of managing this, including Lola (2), who explained feeling trapped by the secret she kept; “*the whole thing can create a web of lies that you end up feeling trapped within*”. Brooke, who worked alone as an independent escort, noted that hiding her work was the most stressful part of her work;

“I have to hide phones, hide money, hide outfits, hide me and make sure I’m putting on the right face that day and be the right person and it’s a weird one isn’t it, pretending to be a whole different person in your work than in your life is stressful enough, but pretending that you don’t do the type of work that you do adds another layer of stress” (Brooke, NZ)

The stress of covering up sex worker identity was also experienced to be “*emotionally draining*” (Cassie, Scotland) and led to a sense of guilt attached to being able to present such a double-life;

“I feel like I’ve just mastered this double life, which in a way isn’t great because you should never get good at lying – it’s a bad trait I know that” (Danni, Scotland)

“I’m so fucking good at it now – I have a whole other life! But I do question all the time now which one is real – which friends are real, who can I actually trust” (Dee, Scotland)

Like many of the Scotland-based sex workers in this study, in both Danni and Dee’s narratives, guilt and self-doubt were issues they continued to grapple with, despite their success in hiding their work to avoid stigmatization. The importance of long-term dual-identity management and keeping the secret of doing sex work was tied to the idea that once labelled a sex worker, the stigma would prevail even

if a woman moved on from sex work. In explaining this permanence of stigma, Tammy pointed to a Cambodian proverb that reads;

“A man is a diamond and a woman is a piece of white cotton; when they fall in the mud, the diamond can be washed clean, but the cotton remains dirty forever” (Cambodian proverb)

This perception of the lasting nature of sex work related stigma was recounted by women in both Scotland and New Zealand, particularly prominent in women’s experiences of leaving sex work. For Rosie, the stigma attached to her work was repeatedly used by an ex-partner as an attack on her emotionally;

“I knew then that I would struggle being financially dependent on someone, but every argument, every money worry, everything came down to the fact that I used to be a whore. It’s a very difficult label to shake off”(Rosie, NZ)

Danni similarly recounted the experience of lasting stigma by her peers, a stigma that she felt had some impact on her returning to sex work after a period of moving onto other employment;

“I came out to my friends when I was younger, I was pretty heavy into coke [cocaine] and I guess I felt invincible, you know that way? But when I stopped, and I also distanced myself from coke, I still wore the label of the ex-coke head prostitute. Eventually I got so sick of wearing the label and not making the money so I worked again” (Danni, Scotland)

The idea of prostitution stigma being experienced as a permanent status, rather than a temporal activity, is associated specifically with what is known as ‘whore stigma’ (Pheterson, 1996). These beliefs, as reflected upon in the above quotes, were often reinforced in their social interactions with family, friends and within relationships, where their sex working status had been revealed. Similar long-term effects of stigma have been noted by others in the context of studies concerning stigma experienced by sex working women (Link et al, 1997).

Of note, however, in this context, was that in New Zealand, some sex workers did note that from a legal perspective, the stigma attached to sex work cannot, under the PRA, allow for future discrimination of sex workers. As Jewel (NZ) reiterated;

“I’ve never had any dealings with the police but before the PRA, if a woman was arrested and prosecuted for selling sex, it was on her record, so

that wouldn't exactly help in getting another job" (Jewel, NZ)

Jewel's sentiments reflect the discussion in chapter three of the pre-decriminalisation model in New Zealand, where a prostitution-related conviction was compared to 'a sword of Damocles hanging over their heads' (Healy et al, 2010: 46). Despite the removal of prostitution-related offences through the PRA, sex workers in New Zealand did note stigma as a barrier to securing other employment if they were 'outed' as working in media and other public forums. As Isobelle reflected;

"I am quite public through volunteering and doing campaigns and things with NZPC it does make the prospect of working in another field slightly more daunting. I don't think stigma has just disappeared, so employers might still discriminate, I imagine some would" (Isobelle, NZ)

Isobelle's worries for securing future employment, based on the relatively public knowledge of her sex work, is one that relates to the prevalence of cultural stigma that could be seen as reflecting the long history of prostitution attracting negative moral discourse.

Whilst some women in New Zealand continued to cover up their work, often to protect family and friends from the associated stigma, or in being mindful of future employers' stigma towards sex work, the New Zealand based women who engaged within this study didn't, at any point, reflect on feelings of shame or guilt personally in their work. For the Scotland-based sex workers in this study, on the contrary, there was indication in some women's narratives that a process of internalizing stigma. For Danni, this underpinned her acceptance of feeling misunderstood and judged by others in society;

"I get it what I do is incomprehensible to some as work, they can't get the whole sex not for love thing and I just roll my eyes and accept the judgement" (Danni, Scotland)

And for Liv, this internalisation of stigma led to what she felt was an acceptance of abusive treatment in interpersonal relationships;

"With relationships it becomes murky, because it's sex, partners generally

I've found can't separate this from what you do with them, it makes them act out and I've become a punch bag of frustration, anger and shit from guys that just don't get it. But in a wider effort to maintain a normal life, and relationships, I've often taken this on for way too long before giving up" (Liv, Scotland)

The experience of expecting and, at times, accepting discrimination from others in some ways indicates a process of internalisation of stigma. Link and Phelan (2001) argue that once a stigmatised status becomes part of a person's worldview, it affects the ways in which the person interacts with the world, which can include expecting discrimination from others. The process of internalising stigma was also attributed by some workers to the media and the perpetuation of; *"constant negative portrayals of prostitutes in the media it makes you start seeing yourself as dirty"* (Liv, Scotland). Sex workers often accept the disparaging discourses about them and apply negative beliefs to themselves and their work (Carrasco et al., 2017; Ngo et al., 2007; Sallmann, 2010). Some of the women in Scotland, in this study, noted that despite efforts to resist stigma and negative portrayals of their work, and their personhood by people, organisations and the media, the ability to maintain a positive view of oneself was consistently being challenged. For Sophia, who actively engaged in a range of healing practices and therapies to resist such negative interpretations and internalisations of her life as a sex worker, she described these difficulties;

"Since I started working, I've been aware that I was doing something against the grain, I knew it wouldn't be an appropriate topic of conversation amongst friends or in wider circles, I knew. But I felt and do feel okay with what I do, so I constantly ensure I do not let myself become a dumping ground for these perceptions of me or my work...But living and working in a context where all women are controlled by our sexuality and where any woman strays away from acceptable norms of sexuality is accused of being a whore, can you imagine the stigma faced when you actually are a whore!" (Sophia, Scotland)

Sophia, shows that she is deeply aware of the "whore stigma", as presenting in the society she lives within, as related to the wider stigma faced by women in general who are labelled as "whore" by way of criticizing behavior that is deemed outwith acceptable female parameters of sexuality.

Living with stigma provides the lens through which many of the sex work participants in Scotland evaluated their negative interactions in the world, drawing

on relationships with partners, families, friends and society in general. For many of the Scottish sex workers in this study, this resulted in a ‘*Trust no One*’ (Cassie, Scotland) worldview. In this respect, sex workers felt marginalised and actively distanced themselves from society, and even from each other, as Cassie further explained;

“I just avoid situations and people when I can do you know that, it sounds terrible but I find the lying in work hard enough I don’t feel like lying to others it doesn’t feel like socializing then but at the same time you can’t socialize with other workers because they could also out you” (Cassie, Scotland)

For others in Scotland, it was revealed by the absence of friendships, relationships or informal support networks, with many women in Scotland seeing their peer sex worker network as vital in dealing with the day to day effects of stigma, as noted by Lily;

“I rely a lot on other workers for support and now I class them as my friends, because they get it we all do, and it just makes you closer when you have to hide or lie to everyone else” (Lily, Scotland)

Living with stigma had a profound impact on the women’s lives, as reflected in their self-perceptions, the ways in which they saw others as viewing them, and how they interacted in the world (Sallman, 2010). Living in deception, or what Goffman (1990) called “modes of double living”, was experienced as impacting on many of the women’s lives, ranging from increasing a sense of isolation and lack of social support, mental health issues including depression, anxiety and forms of social claustrophobia. Internalisation of stigma has been linked elsewhere to lower self-esteem (Benoit, Smith, et al., 2017), and to feelings of disempowerment (Dodsworth, 2014; Jiminez et al., 2011; Sallmann, 2010). The few existing studies that compare sex workers to workers in other low-prestige occupations indicate that perceived stigma is significantly more pronounced among those who work in the sex industry (Benoit, McCarthy, & Jansson, 2015b), indicate comparatively higher positive associations between depression and sex work. Existing research suggests that the presence of deep-rooted social stigmatisation of sex workers’ negatively affects their well-being (Thomson et al, 2003). Several aspects of living with stigma were evident in the participants’ narratives, reflecting everyday experiences of living with labelling, shame and

real or perceived rejection from family, friends, partners, peers and society at large. The women did not tell stories of isolated incidents, rather, what these narratives revealed was the pervasiveness of such experiences, in both Scotland and New Zealand, with some differences presented and teased out following discussion. Many women also reflected on the change to their self-perception as a result of stigma and felt a process of internalising the shame expected of women selling sex. This cyclical nature of stigmatization also plays a role in fostering an environment where disrespect, devaluation, and even violence are acceptable responses to those who are stigmatised (Bungay et al., 2011; Shannon et al., 2008; Shannon & Csete, 2010). Violence was a key concern for women in this study in both contexts, yet the perceptions and reflections of women in Scotland differed substantially from their New Zealand counterparts, shedding light onto the comparative legal frameworks in enabling or constraining sex workers' recourse to justice, explored in the proceeding part of this chapter.

Stigma, violence and accessing justice

Similar to the discussion on violence as a face of oppression presented through Young's (1990) analysis in Chapter Three, Lowman (2000:1006) states that predatory violence towards sex workers is premeditated and often rationalised by the perpetrators because of their victims' "moral-political marginalization". Goodyear (2008) evidences the disproportionate levels of violence faced by sex workers in the UK by evidencing mortality rates as six times the rate of the general population (Goodyear, 2008). However, as violence was not the focus of this study, it would be inappropriate and insensitive to draw on some experiences without a full analysis of violence experienced by sex workers, particularly when this has been done elsewhere, to some extent, in New Zealand (Armstrong, 2011), and remains a key gap in research in Scotland (Smith, 2015). With this in mind, this section follows the aims of this study, in that discussion focuses more on strategies that are comparable in mitigating and/or addressing violence against sex workers. Of key analysis, in this chapter, is exploring how sex workers perceived the violence that they are widely cited to be at risk of, and how they perceived and, at times, experienced accessing justice in cases where they became victim to violence.

Whilst the majority of sex workers, in this study, spoke more of the risks of

violence and their safety strategies to mitigate violence in their work, some did recount actual experiences of violence from a range of perpetrators. Whilst other studies in the area of violence against sex workers have found a range of potential perpetrators (Armstrong, 2011, Sanders, 2005), the sex workers' in this study spoke only of two actual perpetrators of violence, although they remained mindful of the potential for violence from a whole range of people. The two sources of perpetuating violence, in actual experiences recounted in this study, were highlighted; managers who committed violence against sex workers, and violence perpetuated by people posing as clients.

Violence by managers and recourse to justice.

In Scotland, two women recounted being victim to violence at the hands of their managers, one who described repeated incidents of sexual violence, and one who explained how she was a victim of emotional violence perpetuated by her manager. Given the serious nature of both of these instances, the decision has been made with the participants not to refer to their pseudonym, as, even though this research strategy of replacing participants names is to protect their identities and confidentiality, both women reiterated their worries in disclosing these instances of violence and requested that no name was referred to. Thus, the women in this Section will be referred to X and Y, both women worked for a manager in the context of a sauna.

In the first experience of X she recounted beginning her job at the sauna following a quiet period of working from a flat with friends through online advertising;

“I went for an interview at [sauna name], I was pretty unprepared really, I just needed the money and the phone in the flat was dead. I hadn't even investigated the saunas if I had I might have been more careful in my decision to go to this one but I just thought all saunas were the same. Basically my interview was a trial, and this meant doing a booking with the manager. He was a total sleaze and at no point did I want to but he made out that this was normal procedure for starting in the sauna. After working there for some time, the other girls said he tried the same with them, some of them did it and others didn't and still got a job.”

In X's experience, her initial questioning of her own choices not to do prior investigation of the sauna, was indicative of a part of the experience that she blamed on herself for not being “*careful*”. X then went on to recall the continued

sexual violence her manager perpetrated;

“The worst thing was for those of the girls that did him once he constantly expected it, like on quiet days he would take one of us aside and try it on, he did pay but it was an abuse of his role as manager, and there were times he actually said to me you know I’m your boss, implying that he had the power to fire me”

Given X’s managers role and associated power, X explained that she felt the violence was something she had to accept in order to keep her job and make a livelihood, despite being aware that he was abusing his power to commit violence.

In the experience of Y, personal remarks of a sexual and abusive nature were repeatedly made to her by her female manager as she recalled;

“I was told I was fat and ugly and that’s why I was never getting picked by clients, I was told I had to loosen up and eventually, the worst part really, was that it was made out to me that I wasn’t offering a good enough service to just do girlfriend experience and that to keep my job I had to offer more and more. By the time I finally left, I felt completely worthless, because I was offering things I was never comfortable with, I couldn’t put on a porn star act as easily as some of the girls could and I used to leave crying in pain and what felt like humiliation to me”

Much like the experience of X, Y’s narrative again draws on the power of her manager in that she felt by virtue of working in the sauna, the manager controlled or had say over what services she should provide to clients, services that left her feeling humiliated and in pain.

When asked about ways they responded to this violence in their workplaces, both X and Y described feeling powerless to challenge the situation, both at an individual level and through seeking external support or reporting to authorities. The reasons they presented for this were two-fold, firstly, in both cases, X and Y felt their need for income and wages was too great to question the abuse they faced by their managers;

“I really needed the money and my phone was totally dead, I just thought if I can grin and bear it and make what I need to then I can get out and move on” (X, Scotland)

“Money, that’s the only reason I kept going back. I wasn’t desperate, but I didn’t know how else I could make money at the time that quickly, all other jobs would take a full month to get paid” (Z, Scotland)

Secondly, the power presented to them by their managers and these managers’ reiteration of their position as disposable workers, made them feel there was no recourse to challenge the behavior;

“I just remember him saying I had to do this anywhere to get a job it was normal to impress the boss and if I didn’t he would make sure I didn’t work anywhere” (X, Scotland)

“Everyone just knew she was a total cunt of a woman but she was the manager so it just got swept under the carpet but she made girls do a lot of stuff they weren’t comfortable doing, I know plenty of the girls there were doing bareback because she told them it was expected” (Z, Scotland)

Both women had left these working conditions at the time of interviewing but, worryingly, both X and Y stated that, although they share the experience with some close friends, they chose not to report their experiences with other workers, support agencies or police for fear of repercussions. This fear of managers in these two experiences is indicative of the lack of rights a woman has in working in a managed context, such as a sauna, to challenge exploitative and abusive management practices in their workplaces. Both X and Y said, very clearly, that they wouldn’t report these instances to the police, in X’s case because she felt she colluded with the violence to keep her job, and in Y’s case, the same reasoning and furthermore because she felt, *“well saunas are criminalised if they know you’re selling sex, so I couldn’t report this to the police without outing myself”*.

In New Zealand, many sex workers who worked in a managed context drew comparisons to their experiences with manager’s pre and post-decriminalisation. Experiences of violence and abuse by managers were described by some participants as *“commonplace”* (Ana, NZ), before the passing of the PRA. Situations like X and Y’s experiences, presented above, were recounted by some of the workers and a similar sentiment of powerless to challenge this behaviour, before the law change, was displayed. However, at the time of conducting this study, only one woman disclosed an experience of violence at the hands of her manager in a brothel, and again her pseudonym is not used in this discussion where she is only referred to as Z;

“He is just a disgusting sleazy sleazy man, but when you’re in that situation it was difficult to get away from him at times especially when it was slow. He constantly made sexual remarks about me, my tits, my body, how he liked that sort of thing, my pubic hair, and he used to make out that all the girls had sex with him, which I know wasn’t true – it was only the ones who didn’t know better, they maybe weren’t aware that we had rights like any other worker. I hope my case gives other women in that situation this knowledge and power to say no” (Z, NZ)

Z’s experience with her former manager was one of psychological sexual abuse and threats, which she endured for a period of time before approaching NZPC to disclose the abuse. At this point, Z explained that NZPC made her aware of her rights to not only say no to her managers sexual advancements but to legally challenge this behaviour, which she recalled;

“When they told me about the options I had now under the PRA to actually sue this guy, my first thought was god no way then everyone would know I worked. But the more I thought about it the more it felt like I had a duty to use these rights that I now had in New Zealand that sex workers don’t have elsewhere. On top of that I wanted to put out a message to this guy and any manager that exploits and abuses their workers that it is not okay, and that they will be challenged.”

Z, with the support of NZPC at the time of interviewing, had filed a complaint with the Human Rights Tribunal over her manager’s actions and comments towards her, for the reasons she presents in the quote above. At the time Z was interviewed in this research, no trial had taken place, however, since then, the case has been concluded and now represents a landmark in New Zealand for sex workers. The Tribunal found the manager’s actions were a “breach of the Human Rights Act” and awarded the plaintiff \$25,000 for “humiliation, loss of dignity and injury to feelings” (NZ Herald, 2014). One of Z’s expressed concerns, as described in her quote about taking the case forward, was the outing of her status as a sex worker. Z was allowed to remain anonymous in her complaint to the Tribunal, which she followed up by saying was *“a huge factor in the decision to take it forward”*.

Recognition of the stigma towards sex workers, even under a decriminalised legal framework allowed Z to remain anonymous, which was explained by a key informant from NZPC who also gave evidence in Z’s case as,

“Stigma doesn’t go away overnight, nobody expected it would, but cases like Z’s and the way her complaint was sensitively handled, including the protection of her identity, is a huge stepping stone for sex workers to access the formal justice mechanisms that are now available to them under the PRA” (Key Informant, NZPC, NZ)

The “*formal justice mechanisms that are now available*” to sex workers, that the key informant is expressing in the quote above, is covered in Section 16 of the PRA, which makes it an offence for a person to coerce someone to provide, or continue to provide sexual services, including where a person is “improperly using any power or authority gained through an occupational or vocational position (e.g. brothel manager)”. Even though only one sex worker in this study spoke of a direct experience of violence from a manager, all of the women who worked in a managed sector seemed aware of their rights in this setting, given the institutional recognition of sex work as employment and sex workers as deserving of protection of the law.

Kay for example explained the ways she has come to know about her rights which affect her resistance to this sort of management inflicted abuse;

“In the club, you don’t see the managers much they kind of stay in the office, but you spend a lot of time with the other girls and you know you hear things, like how it used to be when girls would have to do free appointments with the owners and security and that. Now though we all know we have rights as workers, more rights than the managers and like I was told this when I started I tell the new girls when they start so we all keep the bar high you know” (Kay, NZ)

This process of information sharing of their rights as sex workers was consistent across sex worker narratives in New Zealand, but particularly in the managed sector, where there was a sense of sticking together as workers;

“It’s sometimes like we are the bosses in our gaff, we know the rules and we don’t let management get away with breaking them when they do we stick together” (Tammy, NZ)

Furthermore, there was a common view amongst the women, even those who did not work for a manager at the time, that decriminalisation has, and continues, to “*weed out the baddies*” (Mary, NZ). In other words, rogue brothel operators or the ones who were likely to abuse their power before the PRA, were no longer

attracting workers. As Tammy explained; *“Girls have the choice now, managers have had to pull their socks up and treat us well or we don’t work there”*. This viewpoint was, in fact, reiterated by one brothel operator engaged with in this study, who had run her brothel for over a decade, noted,

“there’s only a few of us left standing after the PRA, and that’s the good ones, the ones who look after the girls and who communicate with NZPC and make sure everything is there to keep the girls safe and healthy. We are watched more closely and quite rightly so, before the PRA girls used to come to me from brothels where men were allowed in pissed or high on drugs, and managers would run out of condoms or say they weren’t allowed them incase they got raided. Now we are open to inspection, yeh we’ve all had to make this industry safer and adhere to the responsibilities we have as managers” (Key Informant, Brothel Operator, NZ)

Whilst the case of Z, as presented previously, shows that perhaps not all brothel operators in New Zealand are quite as well versed on their responsibilities and obligations following the passing of the PRA, there was a clear comparison between the ways sex workers in managed contexts felt in Scotland with those in New Zealand. Whether through actually being informed of their rights through the PRA, or a support project like NZPC, or through word-of-mouth, there was a sense of workers’ rights to not be subjected to manager perpetuated violence and abuse of exploitation in New Zealand. Although Z’s case had not been concluded at the time of this study, her win of the case, alongside the positive media coverage of the trial, will likely contribute to workers’ empowerment to challenge violence in this setting. In Scotland, on the contrary, sex workers who worked in managed settings, which are, to some extent, still criminalised and, to full extent, not regulated, felt they had a lack of rights to challenge exploitative or abusive management practices in this setting.

Violence by those posing as clients

Physical harm is seen as a considerable risk of working in the sex industry and it has been found to be less controllable than some other risks which sex workers face (Sanders, 2005). For O’Connell Davidson (1998) stigma associated with sex work puts sex workers at heightened risk of violence:

There is no ideology which identifies plumbers, for example, as social outcasts and so a legitimate focus for hostility, violence – even murder. No

matter how displeased customers may be with the service provided and the prices charged, they are not going to feel that punching the plumber in the face is justifiable simply on the grounds that he or she is a ‘dirty plumber’ (O’Connell Davidson, 1998: 64).

By comparing the risk of violence faced by sex workers to other workers that similarly spend time alone with customers, O’Connell Davidson makes the case that stigma and stereotypes fuel violence, for example, there is no common branding of plumbers as “dirty plumbers” unlike the common stigma associated with sex workers as “dirty whores”. It is this branding, rooted in a popular, conservative moral ideology that perpetuates hostility towards female sex workers and acts as a common justification for violence perpetrated against them (1998: 64). The fear of violence, or in some cases, additional strategies to minimise the risk of violence was, in some women’s narratives, directly linked to a feeling of being targeted due to stigma. As Lily noted;

“Being a hooker makes you an easy target, people know you probably have money stashed in the apartment or think that you’d be too scared to report them, you just need to be prepared” (Lily, Scotland)

Debbie, who worked in a shared flat also noted the heightened risk of violence she perceived as linked to the stigma against sex workers;

“The fear will always be there because we know people look at us as if we are worth shit, we are easy targets” (Debbie, Scotland)

Similarly, in New Zealand, particularly women who worked outwith a management setting noted a feeling of being at heightened risk of violence due to the stigma they face;

“I think people seek us out, like we deserve it you know like oh well they’re selling sex so they deserve to be raped, we all need to be on our guard” (Nancy, NZ)

Whilst decriminalisation has been found in this study, alongside other studies (Armstrong, 2011; Abel et al, 2007), to have created an environment more conducive to sex worker safety, sex workers in this study, in New Zealand, still expressed a fear of violence in their work similar to women working in Scotland. New Zealand and Scotland based sex worker participants reflected on specific acts

of violence, that they feared, whilst working independently, including mainly theft, robbery, physical attack and sexual violence. The steps women took in this study to actively manage their risks of violence were manifold, both in New Zealand and in Scotland, with some safety strategies highlighted in Chapter Six, and others more specifically related to making sure objects were in the working rooms to enact self- defence if a client enacted violence. Cassie for example explained;

“In hotels I always make sure I take time to look around the room either before the client comes or when he’s in the bathroom. I like to position like lamps or the phone nearby and just make sure if something happened I could whack him easily”

Like Cassie’s room arranging effort to protect herself in the case of violence, some women in New Zealand spoke of a similar risk-management strategy, like Steph who reflected on the room set up in her brothel-based workplace;

“The rooms are set up in a way that we could try to defend ourselves, like theres a big lamp beside the bed I would just use to hit him over the head but there’s panic buttons and usually [manager] is in the reception so I would also just scream” (Steph, NZ)

Whilst safety strategies which are put in place by most of the women in this study, the impact of working arrangement and workplace security measures were presented as the most important factor for indoor workers in both settings. However as presently noted, women’s ability to prioritise such safety and risk minimisation in their choosing of prospective workplace, and working arrangement was impacted by the legal frameworks in place. Despite working arrangement however, women displayed a sense of additional personal responsibility for mitigating violence, mainly through trusting a gut instinct and in being equipped with self-defence skills. In exploring women’s experiences and thoughts about recourse to justice, if or when they did experience violence by someone posing as a client, distinct differences were apparent in the responses of women in the comparative settings.

New Zealand sex worker participants, in this study, gave a two-fold view of the police, in relation to reporting violence. On the one hand, many of the women who had not approached the police directly, either because they hadn’t experienced violence or because they chose not to report instances of violence,

still gave a positive view of the police as protectors of their rights;

“The police carry out the law, and they know I have rights as a worker so technically they cannot treat you differently, and from what I’ve heard from other girls they don’t, they take crimes against us like they would any other woman” (Linda, NZ)

Whilst positive views were often presented of the police’s responsibility to take crimes against sex workers seriously, some women did note that in actual experiences of violence, they chose a different route of reporting that they felt better protected their anonymity. For Georgia, who worked doing outcalls in New Zealand for an escort agency, the fear of outing herself led her to report an instance of violence to her manager in the trust that it would be reported to the police;

“I didn’t report it, well not directly. To be honest I was scared of saying out loud that I worked, I worried I’d be judged or not taken seriously. But I did report it to my manager who informed the police and gave a description of the guy. I don’t know what happened then but I know I’ll never see him as a client through my agency again and that was enough for me” (Georgia, NZ)

For other women in New Zealand, NZPC was used as a reporting mechanism, such as in Jewel’s experience;

“I just went to NZPC. I didn’t want to go to court or anything, I just didn’t want the hassle, but I wanted this guy to know what he did was not okay even if I was a working girl. NZPC took the case to the police and I was kept up-to-date that he was found and questioned. For me this was enough to exercise my rights and let him know he doesn’t get away with that, if he did it to another girl now the police are just stacking up evidence” (Jewel, NZ)

The trusting of NZPC to take forward justice claims by sex workers was apparent in many women’s narratives in New Zealand, who even in the absence of actual violence experience, noted that if they were to become victim to such violence, NZPC would be their first contact to reporting and gaining an understanding of options available to them, as noted by Mary;

“If I was to get a bad client I’m not sure, I know I’d go to NZPC first to check there was enough evidence before going to the police” (Mary, NZ)

The view of NZPC as a supportive pathway to reporting violence was often linked to women's knowledge of NZPC's involvement in supporting a worker that they knew. One woman interviewed in New Zealand did report an incidence of violence to the police, supported through NZPC. Nancy's case was severe in that she had been victim to physical and sexual violence from a person who targeted her, posing as a client to gain entry to her home. Unfortunately, the perpetrator had left the country and no conviction was made, however Nancy's reflections on the experience of reporting to the police was overwhelmingly positive;

“They [the police] handled the whole thing very sensitively, in fact not even sensitively because that would imply they acted like they cared I was a sex worker and that this guy posed as a client, they didn't. It really felt like I was a woman, which I am, reporting a serious incidence of violence, which I was, and that in itself was all they cared about, they were great actually. They also kept me informed through the process and kept asking if I needed any further support, I was okay to be honest because I have good links with NZPC but I did seek counselling a few months after”(Nancy, NZ)

As noted by Tammy, the increase in incidents that are successfully treated by the police in New Zealand, under the PRA, will likely increase the confidence of other women, over time, to report such instances of violence; *“I think the more we hear about the police supporting us the more we will build trust”* (Tammy, NZ). It was clear that although trust in the police was presented in terms of handling crimes against sex workers sensitively, there was a legacy of fear of reporting violence amongst women in being a way they may be identified in their personal lives as working. This was often presented as a deterrent to going directly to the police, however noting NZPC as a platform to begin a process of seeking recourse to justice.

Whilst some studies of sex workers' reporting violence to the police, in New Zealand, have identified an unlikelihood of reporting, as a consequence of previous adverse experiences, such as being harassed by police at work, or because they believe the police will not believe or will blame them (Abel, 2010; Dalla, Xia & Kennedy, 2003; Downe, 1999; Delacoste & Alexander, 1988), the findings from this small study of women (of which only three had direct experience of this type of violence) indicated a slightly different picture. On the one hand, sex workers chose not to report violence to the police where they felt they had another avenue of reporting, for example, to a manager or to a support

service like NZPC. Thus, the women who experienced this felt like enough was being done to protect themselves from future violence, and others in the industry from that predator. However, these decisions were not tied to a negative view of dealing with the police in reporting as a sex worker, but more indicative of sex workers fears about the process of reporting i.e. more generally “outing” them as sex workers, and as such, other confidants were sought for the reporting of such violence.

In Scotland, a very different picture emerged of sex workers’ perceptions, views and actual experiences of reporting violence perpetuated against them. As a broad observation from the data, no woman interviewed in Scotland had direct experience of reporting violence to the police. Yet, only three women in the Scotland based participant sample had never experienced violence by people they viewed as posing as clients, ranging in type of violence, from moderate to severe. Whilst not a quantitative study, nor a statistically representative sample, these figures do sit in line with the widely evidenced links between criminalisation and violence and, tied to this, the lack of reporting of violent acts to the police (English Collective of Prostitutes, 2012; Kinnell, 2006). Kinnell (2006) concluded that a legal framework which criminalises sex workers:

“.. makes all forms of sex work more dangerous, while proposals for making sex work safer are rejected lest they ‘encourage prostitution’, indicating that many view violence against sex workers as an important deterrent to discourage the sale of sex, and a punishment for those who do.” (Kinnell, 2006:142.)

Sex workers in Scotland gave many reasons for not reporting violence, with issues of criminalisation, fear of repercussions to them and their families and fear of judgement or not being taken seriously by police cited as the main reasons.

Gracie noted this paradox, in viewing the police as a safe reporting option, in a context where she perceived their role as that of enforcement of criminalisation, *“The police criminalise us they carry out the law, so when it comes to violence I wouldn’t seek their protection no”* (Gracie, Scotland). There was also a fear presented by some women that reporting an act of violence would cause greater state attention to their work, with the possible ramifications of personal criminalization acting as a deterrent to reporting;

“I was scared to report it to the police because I didn’t want them looking into my work and seeing that I work with others, it wasn’t just my neck on the line it was all of us who worked together who could then be arrested” (Sophia, Scotland)

The multi-agency approach to service provision in Scotland, as noted in the previous chapter, was also specifically drawn on in presenting a barrier to reporting violence by sex workers who worried about interference from other services if they engaged with the police;

“Well it’s like the same as worrying about social work taking your kids away from you, the police would have to report that you have children, and this thought of them being taken away is too risky” (Lily, Scotland)

For many women, a word-of-mouth context led to their negative views of police handling of reports of violence by sex workers, which acted as a strong deterrent to reporting, encapsulated by both Cassie and Debbie, working in two different work settings, thus previous dealings with women by the police were heard through online and in-person modes of communication;

“I read so much on forums of girls being raped or robbed or something and in all the comments back it’s like “don’t go to the police this happened to me and this was their response” like police laughing at them, or telling them they put themselves in that situation or treating them like that or getting questioned about their own work, it’s very off putting”(Cassie, Scotland)

“I’ve just heard so many stories of police treating working girls like jokes, like you have sex for money how can you be raped?!” (Debbie, Scotland)

Under a criminalised system, it has been evidenced that police often take the rape, attack or murder of women, deemed to be ‘prostitutes’, less seriously than an equivalent attack on a ‘respectable’ woman (English Collective of Prostitutes, 1997: 93). The women’s perceptions of police handling of such reports were in line with this evidence. The high levels of violence experienced by the sex workers in Scotland could be linked to the impunity with which perpetrators often carry out these acts, as is evidenced above, sex workers are unlikely to report violence perpetrated against them to the police. This linkage has been highlighted previously by sex workers’ rights organisation’s who argue that ‘by signaling to men that prostitute women are criminals and that violence against them will be

dealt with leniently, the prostitution laws make it more dangerous for women to work' (English Collective of Prostitutes, 1997:93).

In the context of victimisation, sexual minorities, according to Richardson and May (1999), are often considered deserving victims, especially if they bring private and taboo behaviour into the public sphere. In relation to this, Malloch (2004) notes that:

Certain victims are viewed as possessing some level of behavioural responsibility and are expected to employ a range of avoidance strategies to minimise the risk of violence they may be subject to. Behaviour which is deemed 'problematic' (sex work, gay sex, intravenous drug use) subsequently denies those who participate the status of the 'innocent victim' (2004,:113).

Sex workers, who engage in the solicitation of sexual services, are therefore widely considered to engage in problematic sexual and immoral behaviour, that often warrant sex workers as deserving victims in that they incite male violence (Pheterson, 1987: 225).

Within some women's narratives there was an evident internalisation of such a discourse, in that sex workers' themselves viewed their work as inciting violence and that this violence was dismissed as part of the job. Adi for example described;

"I think really we put ourselves out there for it nobody likes prostitutes and we are seen to make places dirty and leave condoms and needles lying around. Men pick up on that they know they could easily rape or hurt us and nobody would give a shit" (Adi, Scotland)

The acceptance of such violence as an occupational hazard was also noted by Mya who linked this risk of violence to the potential of earnings within sex work;

"The reason we charge so much is because we know we risk violence it's not an easy job it is risky and our safety is jeopardised" (Mya, Scotland)

The conditions of working as contexts where violence is an occupational hazard in Scotland was fueled by women's understanding of working in a criminalised setting in Scotland. The response to such a perception, and almost expectation of violence was to self-manage the risks as best they could, yet also deal with the

violence enacted on this same individual level. Lola (2) described this as;

“We have to fend for ourselves the police don’t care and clients don’t care so if we take the risk we deal with the consequences” (Lola (2), Scotland)

In relation to this Levi-Minzi and Shields (2007) argue that, “most people believe that prostitutes deserve the crimes that are perpetrated against them and that it does not matter when a prostitute is hurt or killed; they are invisible, a facet of society that is not afforded the same basic rights granted to all people” (2007, : 77). This view was internalized to some extent by Scotland based participants who felt outside of state protection should they become victims to violence, attributed to both stigma and criminalisation.

Whilst displaying overwhelming reluctance to report violence to the police, however, sex workers in Scotland mostly engaged in processes, both formal and informal, of community reporting of violence. This type of reporting usually took place within informal peer support networks and online forums and was described by women as ways “*to protect other workers*” (Livs, Scotland) and to “*look out for each other*” (Lily, Scotland) in light of a general feeling that “*nobody else is looking out for us*” (Mya, Scotland). The most formal style of alerting other workers to violent people was through reporting to the National Ugly Mugs Scheme (NUM), which is a national organisation that takes anonymous reports of incidents from sex workers and produces anonymized warnings sent directly to sex workers and front-line support projects throughout the UK. NUM also, with consent of the worker, shares anonymous intelligence to the local police by way of contributing evidence, albeit a sex worker would usually have to make a full report to the police in order for the perpetrator to be identified, arrested and convicted, a process that sex workers, in this study, were afraid of, given the necessity in this circumstance of disclosure. The experience of using NUM, as a formal mechanism for reporting incidents of violence and sharing these reports with other sex workers, was relatively new in Scotland at the time of research, however, sex workers were overall positive about the potential of such a reporting scheme, whereby they could remain anonymous but still alert other sex workers to violent perpetrators. However, again criminalisation was expressed as a barrier to the participants in making a full report to the police, even with the support of an organisation such as NUM. This was mainly due to the later elements of securing

a conviction, which would involve a woman appearing in court to testify, and not being granted anonymity in this setting from people like the press who may attend such an open court hearing, this was described by Olivia;

“I do make reports to NUM but the thing is, if a few reports are taken up by the police and they have evidence to go to trial, I would have to go and testify as a victim. In that case the press could and probably would turn up to hear the whole thing and I would be in the papers as an escort. I think sex workers need to be given the same protection as like domestic abuse victims so we don’t have to reveal our identities in reporting violence” (Olivia, Scotland)

Olivia’s reservations about fully seeking recourse to justice in terms of bringing a perpetrator to trial, and risking the possibility of being outed, is one that sheds light on the contradictory nature of law and policy in Scotland. Again, in the policy context of sex work in Scotland, women are perceived as victims of gender based violence and thus would assumedly qualify for such protections of identity throughout a court process. Yet, the dual construction of sex workers as criminals in the legal context has meant that such pragmatic measures to increase the reporting of violence against sex workers have not been discussed as an option, unlike the victim testimony procedures that are advocated as deserved by other women who face gender-based violence (reference to assist court).

In the absence of formal reporting of violence, more informal mechanisms of information-sharing on violent perpetrators were noted by the women in Scotland, such as posting on online sex work forums anonymously about adverse experiences, or reporting within closed social media groups that were trusted to be sex worker only spaces. Ultimately, sex workers in Scotland prioritised warning other workers of violent people over accessing more formal justice through the police and other state agents. Much in line with previous findings in the area of violence and reporting in a criminalised context therefore, reporting of violent attacks on sex workers to the police is significantly limited (Kinnell, 2006; Pyett & Warr, 1999).

Discussion & Conclusions

In exploring the concept of stigma as applied and experienced by sex workers in Scotland and New Zealand, this chapter sheds light on both the power of societal

stigmatisation and processes of othering, and the impact on legal frameworks in supporting or subverting violence enacted through stigmatisation. As Vanwesenbeeck (2001) noted almost two decades ago, sex workers are commonly constructed as deviant “others” and routinely denied social rights enjoyed by other citizens and given the mounting evidence since this claim, sociologists have recently concluded that stigma operates in society as a “fundamental determinant” of social inequality, on par with other factors such as class, gender, race, and education (Link & Hatzenbuehler, 2016; Hatzenbuehler et al., 2013; Wilkinson & Marmot, 2003). The impact of such perceived stigmatisation of sex work, led many of the women in this study to engage in secrecy and deception, managing at times a double-life that entailed separating false identities for fear of being ‘outed’ to friends, families and sometimes future employers. Whilst commonalities were present between the comparative contexts, including the often tedious and, at times, humorous process women engaged in to hide their work, key differences were apparent in relation firstly to the difference in numbers of women maintaining such a secret between Scotland and New Zealand, and secondly in relation to the participants fears around being “outed” as sex workers. For the women in New Zealand, managing a double-life to cover up their working was often tied to a wider social stigmatisation of sex work, that saw this type of labour as devalued and not worthy of pride by family members. Sex workers in New Zealand therefore worried about their families, particularly their children being exposed to this stigma if they were to be open about their work in society and to extended peers and extended social circles. For the women in Scotland however, the fear of being found out to be a sex worker was tied to a more serious consideration of criminalisation of them, their partners and, at times, having repercussions for their custody of their children. Avoiding state and police attention and harassment was the main reason for keeping their work a secret, with detrimental consequences of this process revealed, such as isolation, lack of peer support, feeling trapped and impacts on poor mental health outcomes (Link & Phelan, 1995).

In both settings, women spoke of stigma as something that was long-lasting and deeply rooted, with negative effects arising in, for example, seeking other employment opportunities or moving on from sex work yet continuing to experience the wearing of a stigma label, perpetuated by friends, families and

partners. Navigating the social world as a stigmatised actor can lead to isolation or hostility from others, as well as deep uncertainty over who can be trusted with the knowledge of the stigmatised status (Benoit et al, 2017) which was the case for women in this study who did choose to reveal their occupation, seen as a selective decision based on this level of trust. The long-lasting effects of stigma were noted by many women to have the effect of creating barriers to them moving on from sex work, however, in New Zealand, the legal barrier that previously existed in the form of life-long criminal records for prostitution-related offences was mentioned as positively being removed under the PRA. For sex workers in Scotland, a more intrinsic experience of internalising stigma and shame was highlighted, fuelled by repeat discrimination in their lives and by negative media portrayals of sex working women. In Scotland, sex workers often displayed an acceptance of the disparaging discourses about them and subsequently applied negative beliefs to themselves and their work (Carrasco et al., 2017; Ngo et al., 2007; Sallmann, 2010). Women in New Zealand on the other hand, displayed more resistance to stigma that was captured by their narratives that turned this stigma around to lay blame on the stigmatiser (Riessman, 2000). Contrary thus to Goffman's depiction of 'felt stigma', shame by sex workers in New Zealand was not internalised, rather the negative images of sex workers was redefined as ignorance (Buesh and Stevens, 2007). This way of managing stigma within the comparative legal frameworks was further highlighted in exploring women's perceptions and experiences of violence, and their subsequent actions should they have or would become victim to such violence.

Institutional recognition of sex work as work allowed for the women in this study to perceive their rights to justice on equal footing with other workers, both in the case of violence and/or exploitation by management, and also in the case of isolated incidents by people they felt posed as clients to target them based on their stigmatised identity (Abel, in McGarry and Fitzgerald, 2018). For Scotland based women in this study however, legal misrecognition and misrepresentation of themselves in policy and subsequent multi-agency partnerships, led to a strong reluctance to report such violence to any state or support authority. A process of self-management of risk and community-warning systems were instead drawn on by women in their responses to what they felt was an occupational hazard of violence. The deep-seated and prevailing nature of social stigma towards female sex workers was evident in this study. Whilst the change to a decriminalised

system in New Zealand did not appear to bring about a complete social acceptance of sex workers by all in society, the participants did appear to manage both the emotional risks and physical risks posed by their stigmatisation than Scotland based women. The institutional recognition of sex workers as rights-bearers in New Zealand undoubtedly impacted positively on their ability to access justice, further facilitated by the presence of a rights-based support agency, NZPC. Stigma reduction efforts that draw heavily on the “expert pool being people with lived experience who have developed and/or implemented contact-based programs to challenge stigma” are the most likely to succeed, as has been demonstrated by those challenging mental illness stigmatization (Corrigan & Fong, 2014: 116). In line with this, the presence and value of NZPC as a sex worker-led organisation was felt to further decrease stigmatisation for sex work and thus increase access to justice for female sex workers. This value of a sex worker-led and inclusive organisation was further indicative of the associational justice sex working women in New Zealand in this study felt they had access to. Whilst sex workers in Scotland experienced the legal frameworks to curtail or subvert possibilities for their accessing of justice in cases of violence, exploitation and/or abuse, the policy framework and expansion of multi-agency partnerships that work to eliminate prostitution, on the basis that this is constructed as violence against women, further interrupted the perceived available avenues for reporting such stigma-based crimes to engage legal remedies for justice, or even individual support as victims.

Chapter Nine - Conclusions & Discussion | The Sanctions of Justice for Female Sex Workers' in Scotland and New Zealand

Introduction

This final chapter of the thesis draws on the comparative analyses presented throughout the three main findings chapters and reads these more explicitly through the holistic framework of justice, by way of summarising and drawing conclusions from the study. This chapter is concerned with addressing the overarching thesis aim; to compare ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice. In presenting overall findings in this way and discussing conclusions within the theoretical and analytical framework of justice, a more in-depth exploration and analysis is developed that explores the ways in which each legal and policy framework, alongside other factors, processes and structures, are experienced to shape sex workers' experiences of injustice/justice.

In using a Participatory Action Research (PAR) approach to addressing the research aims of this study, the lived experiences of female sex workers were foregrounded and placed at the centre of the analysis. This approach was taken in the effort to promote social justice as both a task and a process of the research in line with the desire to contribute to the 'agenda for change' (McGarry and Fitzgerald, 2018). This agenda is fundamentally concerned with the enhancing of justice for women involved in selling sex, through the contribution of research that, in line with a feminist sex workers' rights discourse (Armstrong, 2011), seeks to support the de-stigmatisation and de-marginalisation of women involved (Sanders et al., 2009; Sanders, 2005; Sanders and Campbell, 2007). In illuminating the diversity of women's experiences, and the impact of the legal and policy frameworks in place in Scotland and New Zealand in structuring these experiences, through the lens of rights, redistribution, recognition, respect and inclusion (Sanders and Campbell, 2007; Bauman, 2001; Fraser, 1997; Young 1990), the findings contribute to the research aims of this thesis. Facets of justice, as presented in the analytical framework including redistribution, recognition and associational elements of justice, were foregrounded in analysing and exploring the impact of the legal and policy frameworks in enabling or constraining sex workers' access to justice in this study.

Young (1990), urges those researching social justice to begin with the study of a social groups' exposure to, and experiences of, oppression in the wider project of exploring access to justice. The breadth and richness of Young's (1990) analysis has been heralded elsewhere as a useful framework for the analysis of experiences of social justice (Gewirtz, 1998). In this study of the experiences of female sex workers, Young's (1990) framework allowed for the exploration of women's individual experiences, and the situating of these experiences within historical, social and political structures and processes that structure the conceptual framework developed in the review of literature and theory as presented in the first three thesis chapters. To enable analysis in addressing the overarching thesis aim in this Discussions and Conclusions chapter, lead has been taken from Gewirtz (1998), in her development of analytical questions based on Young's (1990) analysis of injustice and oppression in the context of education policies and social justice. The questions Gewirtz (1998: 482) encourages those researching justice to think about has been adapted to suit the context of this study of female sex workers, asking, *how and to what extent*, do sex work laws, policies and frameworks, support, interrupt, or subvert;

- exploitative relationships;
- processes of marginalization;
- the effects of powerlessness;
- practices of cultural imperialism;
- experiences of violence

The ways that the comparative legal and policy frameworks played out in the lived experiences of female sex workers, in this study, were manifold, and illuminated the many ways in which the laws, policies and frameworks in the comparative contexts, supported, interrupted or subverted sex workers' experiences of all the faces of oppression theorised by Young (1990). This chapter first provides a summary of findings read through this analysis before moving to conclude this study in light of the main research aim.

The Material Effects of Laws and Policy Frameworks

In addressing the research aims of this study, the findings chapters were structured by the themes identified through thematic analysis of women's narratives. These themes included agency, risk, engagement, stigma and violence. Whilst some of these themes overlapped across settings present in women's narratives of their lived experiences, these themes allowed for women's lived experiences to form the basis of critical analysis of structural forces at play in women's entry into sex work, occupational health and safety, sex workers engagement with health and other support services, experiences of stigma, and recourse to justice in cases of violence. In exploring these experiences, and analysing these through a holistic conceptualisation of justice, the material effects of sex work governance in the comparative settings of Scotland and New Zealand were illuminated and allowed for this thesis to present a comparative analysis of the ways in which sex work laws, policies and frameworks in Scotland and New Zealand enable or constrain sex workers' access to justice.

(In)justice Reflections in Women's Lived Experiences of Choosing Sex Work

As concluded in Chapter Five and discussed more fully through the lens of addressing the broad thesis aim in the proceeding section in this chapter, the legal and policy frameworks were found to play no significant role in the decision of women to begin sex work. Rather, a complex interaction between structure and agency was present in women's decision-making processes, with past and present structures fundamentally centred on economics being most at play in enabling or constraining women's ability to exercise agency and autonomy in both their initial decision to do sex work and further, in the ways they chose to first begin working based on presenting need at that time. Although each woman who participated in this study defined their initial decision to begin sex work as fundamentally an economic choice, across a wide spectrum of financial need, and said they were free from coercion, this chapter highlights that these decisions were made within a particular set of social, economic and political constraints that are defined by inherent gendered power relationships. These decisions were unabated by the legal and regulatory frameworks in place yet were found to impact upon women's secondary decision of where to work, how to work and who to work for, seen as

processes important in minimising risk.

(In)justice Reflections in Relation to Occupational Health & Safety

Under the decriminalised framework of governance of sex work in New Zealand, women in this study felt empowered to minimize risk and prioritise their safety prior to beginning sex work, in their choosing of their prospective workplace and working arrangement and seeking widely available information and support in making these decisions. In Scotland, on the contrary, sex workers felt unable to prioritise their safety in such ways given their desire to avoid state attention. The ramifications of feeling unable to minimise risk in relation to beginning sex work and choosing the prospective workplace and working arrangement led many women, in this study, to initial contexts of exploitation and increased their exposure of violence. The framework of sex workers' occupational health and safety rights enshrined in the legal framework in New Zealand was found to have had an overwhelmingly positive effect for sex workers. This extended from the availability and accessibility of protective health supplies in workplaces, and a feeling of empowerment to insist upon the use of these protective measures in sex work transactions. In Scotland, on the contrary, sex workers experienced difficulties in accessing condoms within their workplaces, due to legal practices of police using condoms as evidence of sex work, and thus their (and their managers) perceived need to hide condoms and other prevention tools in their workplaces, or at worst not having these in their working premises at all. Furthermore, the links between increased policing of clients and sex work establishments/premises was experienced by sex workers, in this study, to have increased competition amongst workers, leading some sex workers to forego condom use in all sexual services, including sexual intercourse. Thus, whilst the additional health risks faced by sex workers have led to recognition of sex workers in New Zealand as a key group for the ensuring of harm reduction efforts, and materials in workplaces, this recognition appears absent in Scotland, with a more punitive style of policing ensuing above public health efforts.

In relation to safety in the workplace/space of sex workers, women in both contexts actively drew on and explained risk-avoidance strategies in their work extending from their choice of work place and working arrangement to their methods of being able to screen clients in the setting they chose to work in. Whilst the PRA gave sex workers' rights to work in certain ways/arrangements that were

felt to enhance their safety both indoors and outdoors, the legal framework in Scotland was experienced as a significant barrier in adopting various safety practices in Scotland, such as working together, screening clients, or working for a third party. This was viewed as an injustice of the current legal framework adopted in Scotland, with many sex workers noting that they felt, in this way, the laws in place were not just creating legal barriers to their ability to work safely, but actually exacerbating their risk to violence by predators, who may use this insight into the law to blackmail sex workers not to report violence to the police. The exclusion of sex workers in Scotland from the legal mechanisms that protect other persons in employment from exploitation and harm meant that they became active managers of their own risk, unable to draw on legal frameworks to enhance their safety. The major risk presented to sex workers in Scotland in doing this was the exploitation and control of the sex worker by third parties. Third party control extended beyond that of the notion of a traditional ‘pimp’ to include sex work premise managers and others who mediate between the sex worker and client. Across the different markets of sex work, the key dimensions of control over the workers by third parties, in this respect, included the amount sex workers earn, how many clients the worker should receive, dress codes, the clientele themselves and the types of activities performed.

(In)Justice Reflections on Sex Worker’s Experiences at the Interface of Policy-Driven Support Services

In New Zealand, sex work laws, policies and the associated frameworks for support service delivery, were evidenced to interrupt and, at times, subvert processes of marginalisation, exclusion and powerlessness. The principles of inclusion of sex worker expertise in service development, mainly through the positioning of peer-led NZPC as the lead service provider in the country, signified a process of inclusion of sex workers in the development, delivery and evaluation of support services. This expertise of sex workers was recognised by the Government in New Zealand and led to the commissioning and expansion of NZPC services across the country. The experiences of sex workers’ accessing services through this peer-led service were overwhelmingly positive, with participants noting their perceptions of feeling a sense of respect and ability to exercise their rights to, and in engaging with

these services. Outside of accessing NZPC services, a spectrum of experiences was evidenced by the women in this study. Where the sex work laws, policies and related frameworks were experienced to come into play however, was in women's resistance, resilience and ability to challenge what they felt as stigma and judgement perpetuated mainly by service providers in the context of this discussion. In drawing on their rights, and entitlement to non-judgemental treatment, sex workers in New Zealand displayed a strong sense of resilience to negative attitudes in the service setting. Thus whilst social and historical stigma were seen to prevail amongst some service providers, which was potentially disempowering for sex workers, the New Zealand based women in this study shared a sense of empowerment to resist these negative experiences in a variety of ways, likely attached to their institution recognition as rights- holders.

In Scotland, sex work laws, policies and frameworks were found to support processes of marginalisation, exclusion, cultural imperialism and powerlessness of sex workers in this study. With service provision to sex workers in Scotland firmly located within the wider gender-based violence policy framework, service providers are trained to confront sex workers as victims of sexual exploitation, and encourage exiting, where possible, of women from the sex industry (NHS Scotland, 2009). Scotland based sex workers in this study felt marginalised and excluded from services that were tailored to this approach, based on a view that they were not the right type of recipients of these services, either because they chose not to exit or could not exit at this time. A sense of frustration was displayed amongst Scotland based participants with this politically driven approach to service provision for sex workers, most notably in the arena of healthcare, where sex workers sought basic harm reduction services and commodities yet were faced with political objectives and a monolithic construction of their lives as those in need of other types of support. The ways in which the policy construction of sex work/prostitution in Scotland fed into service delivery models were evidenced to support processes of cultural imperialism towards sex workers, which was illuminated through sex workers' accounts of feeling that dominant policy views of their lives were ignorant to the heterogeneity of their experiences as sex workers and as women, and that this monolithic construction of their lives was being translated into service delivery practices.

Unlike sex workers in New Zealand, Scotland based participants did not display a

sense of empowerment to resist or challenge systemic stigmatising practices within service provision, nor individual negative experiences encountered. Sex workers in Scotland felt powerless to challenge stigma in either sense, signified through the alternative ways of dealing with these reactions. These modes of dealing with stigma and judgement in service provision settings, included, for example, feeling a need to conform to a victimhood identity, disengaging completely with services, and in some cases deploying a strategic invisibility similar to the women in New Zealand. However, unlike the participants in New Zealand who chose not to disclose their work in certain service settings, Scotland based sex workers' justifications for doing this, were largely concerned with the avoidance of police and other state harassment, most notably in the context of working mothers in this study. Powerlessness to challenge faces of oppression and injustice, including most significantly in this context of findings, marginalisation, exclusion and cultural imperialism, was experienced not just to be supported but in fact to be exacerbated by the laws, policies and frameworks in Scotland. The effects of the laws and policies in place in Scotland, alongside the integration of services within wider gender-based violence multi-agency frameworks, had a two-fold and arguably paradoxical effect on sex workers in relation to service provision. Firstly, the policy discourse underpinning this approach was seen to homogenise women's experiences, which had the effect of constructing some sex workers as deserving, those in need of help, and some who were underserving, being those who did not or could not engage in this type of policy driven support. On the other hand, sex workers also disengaged at times from services or developed ways of hiding their work due to fear of criminalisation, police harassment and state intervention into their family life. Young's (1990) conceptual analysis of cultural imperialism is particularly relevant in this discussion, where she theorises the process of "paradoxical oppression" (Young, 1990), where certain non-dominant groups in society undergo a paradoxical oppression, in that they are both marked by stereotypes, and at the same time rendered invisible. Sex workers in Scotland seemed to fit into the category of people Young (1990) refers to, whereby their essence is predetermined by policy constructions of their lives and personhood, and thus they are engaged within services through this stereotype in some cases; yet as a group of women who are working precariously, often involving elements of criminality in the organisation of their work, and who risk intrusion from social work interventions to their families, are also encouraged to invisibilise themselves from the state through fear of criminalisation.

(In)justice Reflections in Relation to Stigma and Violence

The next findings chapter, concerned with stigma and violence, highlighted, to some extent, the long-lasting and deeply engrained processes of stigma that the women in this study felt in various areas of their lives. Stigma was experienced by both Scotland and New Zealand based sex workers to support, and at times, perpetuate marginalisation and exclusion in that women in this study felt a need to hide their work and manage a double identity in order to fit in and assimilate to society and their communities. Whilst the laws, policies and associated frameworks in Scotland and New Zealand were not seen to interrupt or subvert stigma and the resultant marginalisation and exclusion women felt from being stigmatised, the laws and policies in Scotland were experienced to further exacerbate these processes. Sex workers in Scotland were clear in their prioritisation of fears around being exposed as a sex worker, with concerns about police harassment to their lives and their families, more broadly, taking precedence over stigmatising attitudes towards themselves.

The need to strategise against individual acts of violence amongst the majority of sex workers was indicative of this continued injustice sex workers face, supported in the literature that documents the greater vulnerability of sex workers as targets for violence due to their social status as stigmatised persons (Armstrong, 2011; Kinnell, 2008; Sanders, 2005). Ways in which the laws, policies and frameworks in the comparative contexts were experienced to support, interrupt or subvert this injustice of violence, however, showed clear differences between Scotland and New Zealand, both in structuring risk of violence, and further in facilitating recourse to justice in cases of violence. In New Zealand, the legal framework was experienced to support sex workers in their implementation of vital safety measures, including their choosing of working context based upon safety concerns, and their ability to exercise rights in cases of violence, abuse and exploitation by managers. The PRA and accompanying occupational health and safety framework was seen as securing these rights of sex workers to safety, protection from violence and gave the sex workers the tools to resist and challenge cases these rights were violated, both by managers and people posing as clients to incite violence. In Scotland, on the other hand, the legal framework was seen to support the violence feared and experienced by women in this study. Sex workers felt powerlessness to challenge bad management practices and violence at the hands of managers in Scotland, both at

an individual level and in the non-reporting of these instances of violence to any form of authority body. Furthermore, the lack of regulation of managed premises, and managed working contexts in Scotland was felt to impact negatively on sex workers ability to minimise her risks, including the inability to control for security and safety in their working place and working arrangements, and the lack of power to choose clients and decide on services they offered. In cases of actual violence, sex workers in Scotland were deterred from reporting crimes of violence against them or seeking recourse to justice, due to fear of repercussions of criminalisation to them and their families. This fear of reporting violence to police and/or other authorities and agencies, creates a climate of impunity for those who target sex workers for violent acts, often repeatedly without sanction. The stigma that enabled such structural violence against sex workers in Scotland came in the form of the fear of, and the actual experiencing of intrusion of the care system into their livelihood, the erratic behaviour of policing of indoor premises and the constant failure of the police to respond to violence against sex workers as crimes worthy of their attention. This high risk of structural violence resulted in women in prioritizing their hiding from view to avoid detection by police and social services to avoid such structural violence and thus risking their safety and foregoing their support needs or accessing of formal justice.

The Political Stakes of Social Justice for Women

‘One task for critical theory is to render visible the ways in which societal inequality infects formally inclusive existing public spheres and taints discursive interaction within them’ (Fraser, 1990: 65)

Social justice for women arguably depends on recognition of women’s wider subordinate positioning in a patriarchal society, which renders women responsible for absorbing the costs of social reproduction (Campbell, 2002). Women’s position in low-security, low-wage service work converges with other axes of discrimination to place women in states of economic and social vulnerability and disadvantage. From exploring women’s lived experiences in chapter five, economic injustices experienced by many of the women in this study, combined with structural disadvantage related to critical life events, such as homelessness, poverty, and single motherhood, constrained the options of women to financially

support themselves and often their families. The choosing of sex work amongst women in this study was, in the majority, a decision made within structural constraints presented to their autonomy and related capital. Issues around poverty, economic need and lack of other viable options available to women, who still bore the brunt of private sphere non-paid duties, particularly childcare, centered as factors in women's decision.

Economics has overwhelmingly been documented as a key role in entry to the sex industry and explanatory in their continuation of sex work (O'Neill and Campbell, 2006). It has also been argued that many enter the industry in response to poverty, with changes in society such as unemployment benefit, employment rates, taxes and economic recession shown to increase the likelihood of people entering the sex industry (O'Neill, 1997; McKeganey, 2006). Whilst economic need and desire for women in this study was presented across a continuum, the role that family and personal hardship played in many women's narratives was significant, alongside the evident role enacted by current structures of gender inequality, particularly in relation to single parenthood. New Zealand research has previously indicated similar findings to this study that female sex workers are able to provide a more comfortable lifestyles for their children with more money than they could earn in other occupations which require no qualifications, and they have more time available to spend with their children through flexible working hours (Abel, 2010). Furthermore, for women in this study who chose sex work as a means to support themselves whilst studying or supporting their desire to work flexibly around other commitments or personal interests, the flexibility of sex work was an attracting factor in women's decision to begin sex work.

The injustice of poverty and, in particular, the feminisation of poverty, is becoming extremely difficult to ignore globally. In the UK, the Fawcett Society have shown that women are shouldering 70% of the budget cuts, with the cuts falling especially harshly on single mothers. The Women's Budget Group has calculated that single mothers will lose 18.5% of their net income due to changes in the tax and welfare system. New Zealand is not therefore unique in that single-parent, mainly female, households are at the bottom end of the scale in earnings and overall assets (O'Neill, 1997; Scrambler and Scrambler 1997; Briar and Cheyne, 1998; Westmarland, 2006). While redistributive and recognition politics

are necessary components of social justice, a disabling shift in political claims from redistribution to recognition has been evidenced across advanced Capitalist states (Nash and Bell, 2007: 74). Within this shift, state regulation of sex workers has moved from punishment and discipline, to more neoliberal mechanisms of control (Bernstein, 2012). Whilst this appeared to be the case in both New Zealand and Scotland, the underpinning discourses invoked in sex work politics were found to be pivotal in shaping the problematization of sex work/prostitution in the comparative nations.

The governance of sex work in New Zealand could be identified with a neoliberal discourse which prioritises economic growth, individualism and self-regulation, and where a rhetoric of freedom of choice becomes the ideal of fairness (Abel, 2017); a sex workers' rights discourse which institutionally recognizes sex work as an occupation, and thus worthy of regulations similar to those frameworks imposed on other forms of employment and work (Simmons, 1999); a liberal feminist perspective that deems sex work a choice for women and thus the denial of rights of this choice and subsequent state protection as an unfair denial of their human, civil and employment rights (O'Connell Davidson, 2006; Abel, 2017); and the broad public health harm minimization lens through which the New Zealand Government's Ministry of Health is tasked in the reduction of health inequalities associated with sex work. The rise in neo-liberalism has seen structural changes more widely in New Zealand (Briar and Cheyne, 1998; Jordan, 1999) which have led to an entrenchment of inequalities, exclusion and poverty particularly rendering some groups more disadvantaged than others (Blakely, 2012). Kelly (2010) likens the neoliberal state agenda to that of a traditional pimp, evidenced in cuts to social services and state's support of growing inequalities which had led to more poverty. Decriminalisation in New Zealand has thus brought a new way of regulating the sex industry at large that is fundamentally based on a politics of recognition.

Whilst women's entry into sex work in New Zealand, and the structural constraints and frameworks they made these decisions in do not attest to the advantages or disadvantages of New Zealand's sex work policy and legal framework, these experiences highlight that in prioritizing recognitional policies, laws and frameworks, the re-distributional element of women's injustice experienced is arguably sidelined. Thus, as typical of a neo-liberal governance

approach to a policy problem, which often reflects a political shift in claims-making and claims granting from redistribution to recognition (Nash and Bell, 2007), the New Zealand Government has disavowed responsibility for the unequal distribution of money, power and opportunity that tended to continue to structure the women's entry into sex work in this context. New Zealand female sex workers, in being granted rights through a politics of recognition, thus become emblematic of Fraser's (2010) argument concerning the redistribution-recognition divide, in which she posits that sometimes these two elements of justice can sit in tension with one another. In New Zealand, social justice for sex workers thus still requires attention to the structural underpinnings of sex work that would require policies to promote redistribution to minimise structural inequalities that were experienced in this study to motivate initial entry to sex work (O'Neill, 2010).

The simultaneous rise in neo-liberal politics in Scotland has, in effect, produced a similar widening of inequalities result for disadvantaged groups in society, including women. Yet moving beyond Fraser's earlier works of a redistribution-recognition paradigm, her later works on misframing and meta-misrepresentation become key to understanding how such a neo-liberal approach to the regulation of women in Scotland has resulted in a contrasting legal and policy framework on sex work/prostitution. Social justice was a key term that came to be used in 1999 by the newly formed Labour- Liberal Democrat administration in Scotland. This new Scottish Executive recognised that material inequality/poverty, combined with group identity, can bring about powerful process of social exclusion but also saw it as a way of gathering and incorporating the voices of poor and other disadvantaged groups (Mooney and Johnstone, 2000). It was a relatively bold, but not significantly different, move at a time when a Labour administration was also in power in Westminster. Whilst a renewed focus on social justice has been emphasised by the current Scottish Nationalist Party administration, the recent shifts in the governance of sex work has failed to translate to a legal or policy agenda that was experienced to remedy economic nor cultural injustices experienced by female sex workers in this study.

In interrogating how, in coming from a similar neo-liberal governing perspective, the comparative nations governance of sex work has come to sit in an almost paradoxical position to one another, social justice theories could be engaged.

Whilst in New Zealand liberal feminist thought has dominated women's issues more generally, and relatedly there has been very little neo-abolitionist influence within the debate about sex work/prostitution in New Zealand (Laurie, 2010; Abel, 2017), the opposite picture has emerged in the Scottish context. The debates on sex work in Scotland have been heavily influenced by a neo-abolitionist agenda and associated framing of prostitution as violence against women, with this discourse evidently influencing a somewhat monolithic construction of sex workers in current Scottish Government policy, evident in key related policy documents, *Safer Lives, Changed Lives* (Scottish Government, 2009) and more recently *Equally Safe* (Scottish Government, 2014b).

Furthermore, those who engage with sex workers as service providers or advocates for the abolition of the institution of prostitution are widely recognized to be the 'experts' on the subject of sex work in Scotland. For, as the discourse goes, women engaged in prostitution are unstable, traumatised, passive and exploited (Farley, 2004; Jeffreys, 1997; Raymond, 1998), with these pathologisations seen as *resulting in* their sex selling (and undermining their agency exercised in a 'decision' to sell sex), and additionally *resulting from* their apparently traumatizing and violent sex work (Levy, 2014). Lack of agency attributed to those who engage in sex work thus deems them marginalised from the political sphere and excluded from participating fully as peers in this setting, giving way to their experiencing of what Fraser (2010) refers to as 'ordinary-political injustices' (Fraser, 2010: 19). This cyclical discourse renders female sex workers to remain victim to the patriarchal economic injustices many women in Scotland face in the context of systematic disadvantage based on class and gender, and further victim to cultural injustices, in that they continue to suffer cultural imperialism (Young, 1990) based on the disregard of their agency.

In Fraser's (2010) revised justice theories, this political dimension of justice, named as 'representation' became pivotal. Analytically separate from 'redistribution' (economic injustices) and 'recognition' (cultural injustices), Fraser notes the importance of the political dimension of justice in her later work beyond thinking through the redistribution- recognition divide (Fraser, 2007). The principle characteristic of Fraser's political injustice paradigm is misrepresentation, which holds two distinct injustices, namely misframing and

meta-political misrepresentation, which could both be recognised as at play in the Scottish context of sex work policy setting and related governance. Misframing relates to ‘the boundary-setting aspect of the political’ (Fraser, 2010: 147). Injustice arises when ‘partitioning of political space blocks the poor or despised from challenging those who oppress them’ (Fraser, 2010: 147). Institutional hierarchies of cultural value deny people, like sex workers, the social status to interact with dominant groups as equals: ‘the result can be the denial of political voice to those who are cast outside those who “count”’ (Fraser, 2010: 147). Consequently, they suffer status inequality or ‘misrecognition’ (Fraser, 2010: 16). Misframing the ‘problem’ of prostitution is not a random political act (McGarry and FitzGerald, 2016). It is a frame-setting tactic, determining where ‘legitimate’ political debate occurs and who is included/excluded ‘from the universe of those entitled to consideration within the community in matters of distribution, recognition and ordinary-political representation’ (Fraser, 2010: 19). Thus Fraser’s (2010) political dimension of justice illuminates both the nature and cyclical cause of injustice for female sex workers in Scotland who remain denied the parity of participation in spaces where they can effectively challenge misrepresentation of their lives, experiences and needs, and thus encounter misrecognition and status inequality, as an effect of their particular type of victimisation, which those with status recognition in the political debates in Scotland frame as disqualifying their own understandings of their choices and lives more generally.

The Comparative Sanctions of Justice for Sex Workers

Under the legal and policy framework in New Zealand sex workers fundamentally have rights enshrined in law, which played out in this study most importantly for sex workers in relation to their rights to appropriate, accessible and non-judgemental health and social services, labour rights in their workplace and spaces, and rights to be protected from violence and recourse to justice in cases of human right violations. Recognition of sex work as work under the Prostitution Reform Act (2003) in New Zealand has undoubtedly been an empowering process for sex workers in this context. By subverting, or at the least, interrupting sex workers’ exposure to exploitation, marginalisation, cultural imperialism, and violence, the sex work laws and policies in New Zealand have evidently enabled

women in this study to prioritise their health and safety, challenge exploitation in their workplace, and seek recourse to justice in cases of abuse and violence. Recognised as persons before the law rather than criminals to some degree, sex workers in New Zealand are exercising and enjoying a level of social justice in their lives that would seem, from the findings of this study, beyond the current imagination of Scotland based sex workers. Where sex workers continue to experience injustice or exposure to one of the five faces of oppression, the legal instruments, and government-backed advocacy and support organisations, together create avenues for sex workers in New Zealand to seek recourse to justice through an exercising of their rights as enshrined in the PRA. These avenues to seek recourse to justice and exercise human and labour rights as a result of institutional recognition were viewed as fundamental for sex workers in New Zealand, who despite gaining legal and employment rights, continue to negotiate their lives within a cultural context of social ambivalence and strong moral discourses towards the sex industry and its workers (Abel et al, 2010).

The laws and policies regulating sex work in Scotland were found to be having a multi- pronged effect on the experiences of female sex workers, culminating in a relatively bleak outlook for sex workers, whereby exposure to the five faces of oppression was found not only to be common and pervasive for women in this study, but, in many situations, felt to be perpetuated by the laws and policies in place. Criminalisation in Scotland, evidently positioned women who sell sex subject to laws that reduce their autonomy, take away their civil rights and place them at increasingly heightened risks of violence, exploitation and stigma. In Scotland, the harm experienced by female sex workers in this study was created, structured and maintained through criminalising legislation that has silenced the voice of sex workers and ignored the realities of their harms. The influence of neo-abolitionist discourse on prostitution as violence against women has led to the subjection of female sex workers in Scotland to political injustice. As Minichiello et al (2013: 264) state, “popular accounts of sex work tend to present prostitution as a product of economic necessity or individual pathology, lending support to a representation of sex workers as passive and disempowered victims exploited and coerced into sex work.” This individual pathologisation of female sex workers in Scottish policy discourse indicates suffering of female sex workers in Scotland to what Fraser (2010) names ‘meta-political misrepresentation’ referring to the ‘the

very grammar of frame-setting' (Fraser, 2010: 20). Meta-political injustices comprise how the state or powerful elites monopolize frame-setting through gerrymandering which, for Fraser (2010: 20), is 'political death' for those who are its object. Continued neo-abolitionist campaigns permeate public discourse on sex work in Scotland, most recently through the national "End Demand Now" Campaign (BBC News, 2015). Campaigns such as this deepen the association of sex work to violence and use powerful images and discursive practices to influence public opinion. Fraser notes that those who suffer from such meta-political misrepresentation may become the objects of humanitarian interventions, which set up power relationships that prevent recipients pursuing their own justice claims. In the service of other political agendas, they become 'non-persons with respect to justice' (Fraser, 2010: 20). Much like sex workers in Scotland, who have become targeted with rescue projects through violence against women approaches and are thus further entrenched as victims without the agency, autonomy or ability to construct or advocate their own justice claims. Phoenix and Oerton (2005) argue that this official discourse on prostitution 'consolidates moral authoritarianism ... through the criminalisation and "reform" of women and children in prostitution' (Phoenix and Oerton 2005: 77). This focus of policy frameworks, together with the legal regulation of sex work in Scotland, appears to offer social inclusion to women as contingent upon exiting as responsibilisation. In line with previous understandings of the impact of such approaches, this study found that such an approach ultimately symbolises a retreat from social justice for women selling sex (Scolar and O'Neill, 2007).

There has been a plethora of research recently that aims to transgress one-dimensional thinking on sex work and work with sex workers in the process of developing knowledge that can enable change and make interventions in policy and practice. The nuances of this theoretical position lie in the recognition of agency on the part of female sex workers, moving beyond notions of choice and coercion and beyond polarising sex work discourse, to the endeavour to understand the contexts of individuals' lives in exploring sex work. O'Neill (2001) suggests that moving forward to ensure positive change *with* sex workers requires a shift away from these "binaries" of pro-sex work and anti-sex work (O'Neill: 219-220). This body of literature is very much concerned with the transgression of binary thinking towards a renewed feminist platform, both in academia, policy and practice that focuses on issues of importance to female sex workers and jointly advocates for a radical democratic approach to prostitution reform that contributes to the de-

stigmatisation and de- marginalisation of women involved (McGarry and Fitzgerald, Eds. 2018; Sanders et al., 2009; Sanders and Campbell, 2007; Sanders, 2005). As O'Neill (2001) notes, the interplay between critical thought and feminist praxis is one source of resistance to, and transformation of, the disempowering and reductive psychic and social processes indicative of previous studies of sex work.

O'Neill and Laing argue that basing such research on status recognition and the promotion and practice of cultural citizenship has the potential to influence interventions with sex workers that center on:

‘holistic concepts of social justice that will address humiliation, misrecognition and othering; to build institutions based upon social justice; and ultimately promoting equality and cultural citizenship for sex workers’ (O'Neill and Laing in McGarry and Fitzgerald, 2018: 177).

In placing women's voices and experiences at the heart of this study and situating these voices within a research framework that seeks to contribute to the realisation of justice for female sex workers, this study aims to contribute theoretically and practically to such an ‘agenda for change’ (McGarry and Fitzgerald, eds. 2018). Whilst the realization of social justice and status equality for female sex workers in Scotland is likely to warrant more activism, advocacy and research to ensure the voices of sex workers are centred in such debates, the founding of ‘Umbrella Lane’ during the process of completing this thesis signals an initial impact of this social justice research. The community based, and peer-led project is modelled on the service provision undertaken by NZPC in New Zealand. Umbrella Lane exists today as a sex worker-led project that provides non-judgemental, inclusive and rights-based services and support to all sex workers in Scotland, in the hope to at least contribute to supporting the interrupting of injustice sex workers continue to face in Scotland through recognizing that it is those with lived experience, who ultimately hold the potential for transformative change (Corrigan & Fong, 2014)⁷.

⁷ More information on the aims and activities of Umbrella Lane available on the project website: www.umbrellalane.org

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Appendices

Appendix One: Scottish legislation pertaining to prostitution

Soliciting and Kerb-Crawling	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
Section 46 of the Civic Government (Scotland) Act 1982	The Act makes it a criminal offence to loiter in a public place, solicit in a public place or importune any person in a public place for the purposes of prostitution. This piece of legislation is used to criminalise people who sell sex on the streets, predominantly women. Women are routinely arrested in Scottish cities and charged with soliciting. If convicted they are either fined or referred to a diversion program. ⁶⁸
The Prostitution (Public Places) (Scotland) Act 2007	The Act makes it an offence to solicit or loiter for the purposes of obtaining the services of a person engaged in prostitution (“kerb-crawling”). This legislation was designed to target the male clients of sex workers to redress the gender imbalance in the soliciting laws. The flawed rationale behind this legislation is that criminalising the purchasers of sex reduces the overall demand for commercial sex.
Brothel Keeping	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
Section 11(5) of the Criminal Law (Consolidation) (Scotland) Act 1995 (sexual offences)	The Section of the Act makes it an offence to keep, manage or assist in managing a brothel or to knowingly allow premises to be used as a brothel. A brothel for the purposes of the legislation is classified as any premises in which more than one sex worker operates.
Living on the Earnings of Prostitution	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
Section 11(1 and 3) of the Criminal Law (Consolidation) (Scotland) Act 1995 (sexual offences)	The Section of the Act makes it an offence for any male person to knowingly live wholly or in part on the earnings of female prostitution. In deciding whether a man is living on the earnings of prostitution consideration is given to whether he lives with or is habitually in the company of a female sex worker. A person is also deemed to be living on the earnings of prostitution if he is shown to have exercised control, direction or influence over the movements of a sex worker in such a manner as to show that he is aiding, abetting or compelling her prostitution.
Section 11(4) of the Criminal Law (Consolidation) (Scotland) Act 1995 (sexual offences)	The Section of the Act criminalises women if they have, for the purposes of gain, exercised control, direction or influence over the movements of a sex worker (female) in such a manner as to show that she is aiding, abetting or compelling her prostitution.
Procuring / Coercion	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
Section 7 and 8 of the Criminal Law (Consolidation) (Scotland) Act 1995 (sexual	The Section of the Act deals with procuring, defined as a means to get someone to do something

offences)	or to persuade or cause someone to do something, and makes it an offence to procure or attempt to procure any woman under 21 to have unlawful sexual intercourse with any other person or persons in any part of the world; procure or attempt to procure any woman or girl to become a common prostitute in any part of the world; procure or attempt to procure any woman or girl to leave the UK with the intent that she become an inmate of or frequent a brothel elsewhere; or procure or attempt to procure any woman or girl to leave her usual place of abode in the UK with the intention that she may for the purposes of prostitution become an inmate of or frequent a brothel in any part of the world. Section 8 of the 1995 Act makes it an offence to detain any woman or girl against her will in, any premises with the intention that she may have unlawful sexual intercourse with men or a particular man, or in any brothel.
Buying Sex from Someone under 18	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
The Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (sections 9-12)	<p>The laws in Scotland around buying sex from minors are extremely robust. The Act makes it an offence to pay for the sexual services of someone under 18, cause or incite someone under 18 to provide sexual services or be involved in pornography, control the activities of someone under 18 relating to their provision of sexual services or involvement in pornography and to arrange or facilitate the provision of sexual services or involvement in pornography by someone under 18.</p> <p>In addition, section 9 of the Act makes it an offence for the owner or occupier of a premises (or the person managing or controlling a premises) to knowingly allow any girl under the age of 16 to be in the premises for the purposes of having unlawful sexual intercourse with men or with a particular man. Section 10 of the 1995 Act makes it an offence for the parent or carer of a girl under 16 to cause or encourage the seduction or prostitution of her.</p>
Sexual Offences (Scotland) Act 2009	The Act creates a number of offences around rape, sexual assault, coercion and voyeurism and has defined the meaning of 'consent', also relating this to offences relating to children.
Trafficking for the purposes of sexual exploitation	
SPECIFIC LAW/SECTION	INTENTION & LAW IN PRACTICE
Sexual Offences Act (1985) and (2003)	The 1985 legislation was brought in to make an offence of soliciting a woman for the purpose of prostitution (kerb crawling) and the 2003 legislation reinforces this and widens to causing or inciting prostitution to gain for himself or a third person.
Policing and Crime Act (2009)	Amended legislation to increase criminal sanction against those deemed responsible for fuelling the demand for prostitution.
Criminal Justice and Licensing (Scotland) Act 2010	Includes Protection of Children and prevention of Sexual Offences (Scotland) Act 2005

Section 3 (3-5) Human Trafficking and Exploitation (Scotland) Act 2015	Introduction of legislation to specifically make it an offence exploit another human being. Exploitation is defined within the Act and covers Prostitution and sexual exploitation.
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Appendix Two: Interview Schedule for Interviews with Key Informants

The following represents some of the questions asked during interviews with key informants. Interviews carried out were semi-structured, and thus where conversation led to opportunities to discuss more in-depth certain topics, or explore new areas of thought, these opportunities were taken through asking additional questions.

- Can you tell me about your connection to sex workers?
- What, if any, views on sex work, impact or drive your work?
- Do you see your work as fitting in line with Government understandings of sex work/prostitution?
- In what ways does your organisational view on sex work impact on the work you do?
- Do you work with other agencies in carrying out your work?
- Are there any barriers you encounter in engaging with sex workers?
- What are your thoughts on the current laws on sex work?
- How do you feel the policy framework in place is similar or out of line with the laws?
- In what ways do you feel laws and policies support or hinder sex workers safety at work?
- In what ways do you see the laws and policies support or hinder sex workers' ability to protect their health at work?
- Do you or your organisation engage in decision-making spaces in relation to sex work?
- To what extent are sex workers involved in your organizational structures? What do you see as the benefits and challenges to engaging sex workers in these structures?
- Do you feel sex workers' rights are met effectively through the current legal and policy frameworks? In what ways would you change these to better protect their rights?

Appendix Three: Demographic Details of Research Participants

New Zealand Women	
Participant	Demographic Details Recorded
Steph	Age of Entry: 22 Age Group: 21-30 Relationship Status: In a relationship Motherhood Status: No Children Workplace: appointment-based brothel
Tammy	Age of entry: 27 Age Group: 31-40 Relationship Status: Not in a relationship Motherhood Status: No Children Present workplace: appointment based brothel
Rosie	Age of entry: 20 Age Group: 31 - 40 Relationship Status: In a relationship Motherhood Status: Mother Present workplace: SOOB
Mary	Entry to sex work: 26 Age Group: 31-40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: independent, streets and home
Lola(1)	Age of entry: 20 Age Group: 18-21 Relationship Status: Not in a relationship Motherhood Status: No children Present workplace: escort agency
Ana	Entry to sex work: 25 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Brothel

	312
Kay	Age of entry: 24 Age Group: 21-30 Relationship Status: Not in a relationship Motherhood Status: No children Present workplace: Large club/brothel
Ruby	Age of entry: 30 Age Group: 41-50 Relationship Status: In a relationship Motherhood Status: Mother Present workplace: Shared SOOB
Linda	Age of entry: 27 Age group – 31-40 Relationship Status: not disclosed Present workplace: Independent Motherhood status: No children
Amy	Age of Entry: 16 Current Age Group: 31-40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Street Work, Parlour and now shift-based brothel
Kelsey	Age of entry: 20 Age Group: 21-30 Relationship Status: In an open relationship Motherhood Status: No children Present workplace: Large Club/Brothel
Heather	Age of entry: 28 Age Group: 21-30 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Independent SOOB
Isobelle	Entry to sex work: 26 Age Group: 31 - 40 Relationship Status: In a relationship Motherhood Status: Mother Present workplace: Shift-based brothel
Nancy	Entry to sex work: 16 Age Group: 41-50 Relationship Status: Not in a relationship Motherhood Status: No Children Type of present sex work: independent
Jewel	Entry to sex work: 16 Type of Sex Work: Street-based, private independent, Brothel Age Group: 31 - 40 Relationship Status: in a relationship Motherhood Status: Mother

	Present sex work: SOOB
Steph	Age Group: 21 – 30 Relationship Status: in a relationship Motherhood Status: No Children
Katy	Age of Entry: 17 Age Group: 31 – 40 Types of Sex Work: Street-based and home-based Relationship Status: Didn't disclose Motherhood Status: Mother
Susie	Age of entry to sex work: 23 Age Group: 21-30 Relationship Status: Didn't disclose Motherhood Status: Mother Present workplace: Brothel
Talia	Entry to sex work: 25 Age Group: 31 – 40 Relationship Status: In a relationship Motherhood Status: Mother
Jenny	Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: SOOB

Z	<p>Age Group: 21 - 30 Relationship Status: In a relationship Motherhood Status: Didn't disclose Z worked in a shift-based parlour/brothel and had worked in similar venues for the last four years (on and off).</p>
Scotland Women	
Dee	<p>Entry to sex work: 24 Age Group: 31 - 40 Relationship Status: In a relationship Motherhood Status: Mother Present workplace: Shared flat</p>
Debbie	<p>Age of entry: 32 Age Group: 41 - 50 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Flats</p>
Danni	<p>Age of Entry: didn't disclose Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Independent escort</p>
Sophia	<p>Entry to sex work: 21</p>

	Present workplace: Independent escorting Age Group: 21 - 30 Relationship Status: In a relationship Motherhood Status: No Children
Mya	Entry to sex work: 25 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Shared flat
Cassie	Entry to sex work: 24 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: independent escort and agency bookings
Gracie	Entry to sex work: 23 Age Group: 21 - 30 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Independent escort and dancer
Maddie	Age of entry: 20 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: No Children Present workplace: Independent escort

Lily	Age of Entry: 21 Age Group: 21 - 30 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Independent Escort
Rose	Entry to sex work: 16 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Shared flat, private
Lola	Entry to sex work: 23 Age Group: 31 - 40 Relationship Status: In a relationship Motherhood Status: Mother Present workplace: shared flat
Olivia	Entry to sex work: 22 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: independent escorting
Liv	Age of entry: 21 Age Group: 21 - 30 Relationship Status: In a relationship Motherhood Status: No Children Present workplace: Escort Agency

Brooke	Entry to sex work: 27 Age Group: 31 – 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present Workplace: Independent Escort
Gill	Entry to sex work: 17 Age Group: 31 – 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present Workplace: Sauna
Diane	Entry to sex work: 26 Age Group: 31 - 40 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Shared Flat
Adi	Entry to sex work: 15 Age Group: 21 - 30 Relationship Status: Not in a relationship Motherhood Status: Mother Present workplace: Intermittent, streets and home
X had worked previously in a flat with other workers then moved to a sauna for financial reasons hoping it would be busier.	Age Group: 21 – 30 Relationship Status: Not in a relationship Motherhood Status: Mother
Y worked in a sauna for two years and at the time of interviewing had just made the decision to work privately in a flat with a well-known receptionist who took bookings for the workers.	Age Group: 31 - 40 Relationship Status: In a relationship Motherhood Status: Mother

Appendix Four: Interview Guide for Sex Workers

1. **Participant Background** | For example, the goals and aspirations you had, the family you had around you, how your life was in growing up.
2. **Exploring initial decision to start working** | In the five years leading up to your decision to start sex work, what was this like? Did you do another job for example, or study, did you have children etc.
3. **Type of Sex Working arrangement** | What kinds of sex work do you do and what factors motivate your involvement?
4. **Support** | In what ways do you feel supported in the work that you do and who do you count as a support to you?
5. **Challenges** | With respect to doing sex work, is there anything that you are challenged by or that you would like to see changed?
6. **Legal Framework** | Do the existing sex work laws or policies affect you in your work? If so please tell me in what ways.
7. **Comparisons** | (Scotland) If sex work was decriminalized in Scotland, like it is in New Zealand, what do you think the effects would be on your work and/or for sex workers in general? \ (NZ) If Sex Work was semi-criminalised like it is in Scotland, what do you think the effects would be on your work and/or for sex workers in general?
8. **Health and Support Services** | In relation to accessing health and social care services, do you feel your work impacts on your decisions around accessing these and your experience of going to these services?
9. **Violence** | If you experienced violence either in your work or in your personal life, what are your feelings about engaging with the police? If you have personal experiences and are willing to draw upon them please do
10. **Safety & Risk** | Do you feel you can take steps to increase your safety and reduce your risk in sex work? What allows you to or prevents you to put these measures in place?
11. **Participation Politically** | Are you involved in any sort of political advocacy or campaigning for sex workers' rights? What supports you doing this or prevents you being involved in doing this?
12. **Justice Interpretation** | If you reflect on the word justice and what it means for you, what would be your thoughts?

Appendix Five: Information Sheet Gatekeepers

My name is Anastacia Ryan and I am a PhD student of the University of Glasgow based in the School of Social and Political Science. Following telephone and email conversations I wish to provide you with this information sheet and consent form to formally arrange for you to act as gatekeeper for the purposes of this research study.

The thesis is entitled “The ‘Sanctions’ of Justice | A Comparative Study of Sex Workers and Access to Justice in Scotland and New Zealand”.

The study involves conducting semi-structured face-to-face interviews with female sex workers to explore their views and experiences of accessing justice. It is hoped that around 10-15 participants will be interviewed in both Scotland and New Zealand, in an attempt to collate data that can be analysed and compared to shed light on the inter- relationship between the legal and social position of sex work and sex workers engagement with and access to justice.

Due to ethical considerations and a fundamental wish to avoid risk to participants, I would prefer to access individuals through the role of a gatekeeper in a specialist support organisation. If you agree to participate in this study by acting as gatekeeper then your role would include an initial ‘screening’ of participants. This process will eliminate participants who are under the age of 18 and/or incapable of giving informed consent due to drug use or mental illness. Discretion exercised in this process will help minimise risk to research subjects. All data will be anonymised, including your name and role within the organisation.

If you have any questions regarding any aspect of this research study, please contact the principal researcher (details above) or the research supervisor;

Dr Susan Deeley Department of Urban Studies

25 Bute Gardens

0141 330 5657

If you have any complaints or issues with the nature or conduct of this research study, you can contact the director of teaching and learning of the University of

Glasgow. This is an independent third party;

Learning and Teaching Centre Southpark House 64 Southpark Avenue G12 8LB
tel: 0141 330 4864/3870 fax: 0141 330 5674

Yours Sincerely, Anastacia Ryan

Thank you for taking the time to read the information sheet. If you agree to take part in this research by acting as a gatekeeper please take a moment to read and sign this consent form.

Appendix Six: Information Sheet Key Informants

My name is Anastacia Ryan and I am a PhD student of the University of Glasgow based in the School of Social and Political Science. Following telephone and email conversations I wish to provide you with this information sheet and consent form to read and sign to confirm your participation in this research study.

The PhD thesis is entitled “The ‘Sanctions’ of Justice | A Comparative Study of Sex Workers and Access to Justice in Scotland and New Zealand”. This research will provide a comparative study of the inter-relationship between the legal and social position of sex workers and their engagement with and access to justice. The sites chosen for comparison are Scotland, in which a system of quasi-criminalisation is currently operated; and New Zealand, where adult sex work has recently been decriminalised.

The study involves conducting semi-structured face-to-face interviews with individuals who work within an organisation that aims to promote access to justice services for sex workers. If you decide to take part in an interview, you will be asked about your views and experiences of your work and in particular how you think that the legal regulation of sex work impacts upon the engagement between sex workers and their access to justice. The semi-structured nature of the interviews aim to allow for expansion on any areas that you wish to discuss in more depth.

It is your choice whether or not to take part in an interview. If you decide to participate, you will be given a hard copy of this information sheet to keep and you will be asked to sign a consent form. If you do decide to take part you can withdraw at any time without having to give a reason. The interviews will take a maximum of one hour. I will make audio recording of the interviews but all data collated will be anonymised, including your name and any other information that could lead to your identification.

If you have any questions regarding any aspect of this research study, please contact

the principal researcher (details above) or the research supervisor;

Dr Susan Deeley Department of Urban Studies

25 Bute Gardens

0141 330 5657

If you have any complaints or issues with the nature or conduct of this research study, you can contact the director of teaching and learning of the University of Glasgow. This is an independent third party;

Learning and Teaching Centre Southpark House 64 Southpark Avenue G12 8LB
tel: 0141 330 4864/3870 fax: 0141 330 5674

Thank you for taking the time to read the information sheet. If you agree to take part in an interview then please take a moment to read and sign this consent form.

Appendix Seven: Information Sheet Sex Workers

My name is Anastacia Ryan and I am a PhD student at the University of Glasgow, Scotland.

I'm working on a study called "The 'Sanctions' of Justice | A Comparative Study of Sex Workers and Access to Justice in Scotland and New Zealand". This research will provide a comparison between the legal and social position of sex workers and their engagement with and access to justice. The sites chosen for comparison are Scotland, in which a system of quasi-criminalisation is currently operated; and New Zealand, where adult sex work has recently been decriminalised.

As part of the study, I am looking to conduct face-to-face interviews with women who are currently working as sex workers in both Scotland and New Zealand. Interviews have been designed to be loosely structured, allowing you to direct the conversation to a high degree, allowing room for expanding on areas you may wish to discuss more than others. If you decide to take part in an interview, you will be asked about your perceptions of justice and your views and/or experiences of accessing justice services while working in the sex industry. This may your views of engagement with police or other judicial services; support organisations or any other avenue of support that you may perceive as a gateway to accessing justice.

The interviews will last no longer than one hour unless you feel there is more information you would like to give after this time period and you only need to discuss information that you are comfortable discussing.

It is your choice whether or not to take part in an interview. If you decide to participate, you will be given a hard copy of this information sheet to keep and you will be asked to sign a consent form. If you do decide to take part

you can withdraw at any time without having to give a reason. I will make audio recording of the interviews with your permission and all interviewees will remain completely anonymous, including your name and any other information that could lead to your identification.

If you have any questions regarding any aspect of this research study, please contact the principal researcher (details above) or the research supervisor;

Dr Susan Deeley Department of Urban Studies

25 Bute Gardens

0141 330 5657

If you have any complaints or issues with the nature or conduct of this research study, you can contact the director of teaching and learning of the University of Glasgow. This is an independent third party;

Learning and Teaching Centre Southpark House 64 Southpark Avenue G12 8LB
tel: 0141 330 4864/3870 fax: 0141 330 5674

Yours Sincerely,

Anastacia Ryan

Thank you for taking the time to read the information sheet. If you agree to take part in an interview then please take a moment to read and sign this consent form.

Appendix Eight: Consent Form for all Research Participants

I confirm that I have read and understood the information sheet for the study and have had the opportunity to ask questions about it.

I understand that my participation in this interview is entirely voluntary, and that I can withdraw from the study at any time, without having to give a reason. I understand that my participation or non-participation in the study will not lead to any penalty.

I agree to the interview being audio recorded and to the use of anonymised quotes in future publications.

I agree to participate in this interview.

Name _____(printed)

Name _ (signature)

Date _____

Appendix Nine: Thematic Framework

* addressing specific research questions and analysing the data with this in mind led to the utilisation of this thematic framework. Whilst not a fully grounded theory approach given the set research questions, the emerging themes in the early stages of data analysis were used in the development of this thematic fieldwork, thus data analysis was both deductive and inductive in its approach.

Agency

- Past experiences
- Present needs
- Future expectations/desires

Risk

- Health
- Safety
- Choice in work arrangement
- Individual management of risk
- Legal Frameworks
- Policy Frameworks
- Third party management

Engagement

- Service provision
- Support environment
- Types of support sought
- Stigma and judgement
- Policy framework impact
- Legal framework impact
- Resilience and resistance strategies

Stigma

- Perceptions
- Sources
- Management
- Double-life
- Secrets
- Perceived impact of 'outing'
- Stigma and Violence

Violence

- Perception of risk
- Perpetrators
- Exploitation
- Physical violence
- Sexual violence
- Reporting of crimes
- Third party reporting
- Engaging with police
- Engaging with justice through court

Appendix Ten: Primary Codes used in qualitative analysis of in-depth interviews

Data analysis involved initial coding of transcripts by hand, writing ideas and linking related experiences or reflections across transcripts. To do this the following primary codes were used before narrowing these down.

- bad clients/ behaviour
- bad clients/ behaviour/ violence
- bad clients/ behaviour/ verbal abuse
- characteristic of sex workers/ age
- characteristic of sex workers/ educational level
- characteristic of sex workers/ length of time working
- characteristic of sex workers/ relationships
- characteristic of sex workers/ children
- client violence/ physical assault
- client violence/ sexual assault
- client violence/ threats
- condom use/ failure/ accident
- condom use/ failure/ removal of condoms
- condom use/ failure/ refusal
- condom use/ meanings/ contraceptive tools
- condom use/ meanings/ STIs prevention
- condom use/ meanings/ psychological boundary
- condom use/ norms
- control over nature of work/ norms
- control over the sexual encounter/ norms/ emotional management
- coping strategies/ minimising risk of STIs
- coping strategies/ minimising risk of violence
- coping strategies/ managing stigma
- coping strategies/ managing emotions
- emotional consequences/ isolation
- emotional consequences/ isolation/ social exclusion
- emotional consequences/ isolation/ trust
- emotional consequences/ freedom
- emotional consequences/ wrong doing
- perceptions about those involved in sex work/othering
- policy/victimhood
- policy/legal rights
- problems encountered at work
- motivations for working/reasons for leaving previous working sectors
- relationships with clients
- relationships with family/ isolation
- relationships with family/ secrecy
- sex worker support services/ government/ health
- sex worker support services/ NGO/ sexual health
- sexual health/ knowledge of STIs
- Stigmatisation /secrecy
- Stigmatisation / coming out
- Stigmatisation/avoiding state attention/repercussions

- victim image/whore dichotomy
- violence/robbery
- violence/physical assault
- violence/ murder
- working arrangements /flats
- working environments /flats/ collective environment
- working arrangements/management/safety

Grouping of Primary Codes Through Thematic Framework | Agency, Risk, Engagement, Stigma, Violence

The initial coding process was then narrowed down and transcripts were recoded according to the listed codes and sub-codes related to broader theme.

1. clients/risk/violence
2. characteristic of sex workers/agency
3. condom use/risk/agency
4. control over nature of work/agency/risk
5. coping strategies/stigma/agency/engagement
6. emotional consequences/engagement/stigma
7. perceptions about involvement in sex work/agency/risk
8. policy/legal framework
9. violence/risk/agency/engagement/stigma/violence
10. motivations for working/agency
11. relationships/engagement/stigma/violence
12. support services/engagement/stigma
13. sexual health/risk/agency/engagement
14. stigmatisation/engagement/stigma/violence
15. justice mechanisms/engagement
16. victim image/whore dichotomy
17. working arrangement/agency/risk/violence

